



Unreasonable Behaviour Policy

1. Introduction

This policy (Policy) is about how Towcester Town Council (the Council) manages persistent, unreasonable and/or vexatious behaviour, including general complaints and requests made under Freedom of Information (FOI requests) and data subject access requests (DSAR requests) under the UK General Data Protection Regulations (UK GDPR). The Policy should be read in conjunction with the Council's separate Complaints Procedure.

2. Persistent or vexatious complaints and unreasonable behaviour

Although individuals have the right to be heard, and, if they have complained to the Council, to have their complaint thoroughly investigated and to receive a considered response, the Council considers that there are occasions when behaviour is unacceptable or unreasonable.

Examples of persistent or vexatious complaints and unreasonable behaviour:

General examples

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaints procedure.
- Insisting that a complaint is dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Sending or copying complaints to outside bodies including other local authorities and their councillors, the local MP, the internal and external auditor or the police etc.

- Changing the basis of a complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions and insisting they are all answered.
- Submitting falsified documents from the individual or others.
- Submitting repeat complaints with minor additions/variations, which the individual insists are 'new' complaints.
- Refusing to accept a decision; repeatedly arguing points with no new evidence.

Examples relating to the impact on staff and councillors

- Making unjustified complaints about staff or councillors who are trying to deal with the issues, and seeking to have them replaced.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff, councillors and/or organisations.
- Making excessive demands on the time and resources of staff or councillors with lengthy phone calls, emails to numerous staff or councillors, or detailed letters every few days, and expecting immediate responses.
- Repeatedly contacting a member of staff or councillor regarding the same matter which has already been addressed.
- Speaking to the member of staff or councillors in a derogatory manner.
- Swearing and using violent or threatening language.
- Using social media to make unfounded allegations against the Council, its staff or councillors.
- Making repeated FOI requests, DSAR requests or similar requests under relevant legislation for information which:
 - Has already been provided, including consideration of the Council's Internal Review procedure where necessary.
 - Is already in the public domain.
 - Is similar to information already provided.
 - Is manifestly unreasonable.

NB: the Council reserves the right to consider similar requests made by other people as vexatious or unreasonable under this Policy if it considers that the requests are made on behalf of an individual whom the Council has considered is unreasonable under this Policy and the requests from those people fall under the definitions set out in this Policy.

The above list is not exhaustive and other, similar behaviours may also fall within the definitions under this Policy.

3. Managing persistent or vexatious complaints and unreasonable behaviour

Examples of the steps that the Council may take to deal with such individuals and their behaviour are as follows. This is not an exhaustive list and the Council may take additional actions as appropriate, including necessary measures to protect staff and councillors:

- Where the individual tries to reopen an issue that has already been considered, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on a complaint has been made, the individual may be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- Where an FOI request, DSAR request or similar request under specific legislation has been answered, including the completion of any internal review procedure, the individual may be informed that the Council will provide no further responses on the matter.
- Putting a single point of contact in place (SPOC), through whom the individual must communicate with the Council and informing them that any further correspondence to any other person will not be acknowledged or responded to but will be kept on file.
- Limiting the individual to one specific type of contact (for example telephone, email, letter etc.).
- Offering a restricted time slot for necessary calls to specified dates and times.
- Placing limits on the number and duration of contacts with staff or councillors per week or month.
- Refusing direct contact with staff or councillors or requiring any face-to-face contact to take place in the presence of a witness and in a suitable location.

4. Procedures

In the first instance, the Clerk, in consultation with the Chair of the Council, will write to the individual to explain why their behaviour is considered unreasonable, and asking them to change this behaviour. The letter/email will explain what actions the Council may take if the behaviour does not change.

If the individual continues with the unreasonable behaviour the Clerk will seek the support of the Council to invoke this Policy and agree the appropriate response.

The Clerk will write to the individual to explain:

- The Council's decision.

- What action the Council will take and any restrictions it will impose on communication and contact with the Council.
- The time period after which the matter will be reviewed.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or councillors, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, it may not be possible to give the individual prior warning.

The Council will consider any restrictions placed on the individual at the end of the notified review period. If the Council decides to extend the period of restriction, the Council will write to the individual explaining the reasons and giving a further review date.

At the end of the review period, if the Council considers that the individual's behaviour is no longer unreasonable, the Council will write to them to confirm that the restrictions have been lifted.

5. Record Keeping

The Council will keep a record of all individuals who have been managed in accordance with this Policy. This will include details of why the Policy was invoked, any restrictions imposed on the individual, the reasons for the restrictions and length of time of those restrictions.

The Council will destroy the record 12 months after the lifting of any restrictions. Where there has been a threat of, or actual, violence, the individual's name will be recorded on the Council's list of potential violent customers for a period of 6 years to protect the future health and safety of staff and councillors.