



Managing Abusive, Persistent and/or Vexatious Customers Policy

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1.0 Scope

The Managing Vexatious Customers Policy sets out the approach that Broxtowe Borough Council takes to manage individuals who communicate vexatiously or persistently with the Council.

The Policy applies to all individuals that contact the Council, individual Officers or Members of the Council irrespective of whether they have an active complaint open.

2.0 Purpose

The document describes how the Council will monitor, investigate and apply any restrictions detailed below.

3.0 Aims and Objectives

The aims and objectives of the Policy are:

- To ensure consistent reporting, investigating and responding to vexatious individuals.
- To provide guidance on how to appropriately deal with vexatious individuals.

4.0 Regulatory Code and Legal Framework

- Housing Ombudsman guidance on vexatious complainants.
- Local Government Ombudsman guidance on vexatious complainants.
- Information Commissioner's Office guidance on manifestly unfounded or manifestly excessive requests.
- Data Protection Act 2018.
- Equalities Act 2010.

1. Introduction

- 1.1. Broxtowe Borough Council ('the Council') takes all reasonable and appropriate actions to respond to individuals in a timely manner. Any concerns or complaints raised will be fully investigated and any issues will be resolved.
- 1.2. In some instances, unacceptable individual behaviour may prevent or hinder the Council's Officers and Councillors in undertaking its functions or carrying out its duties.
- 1.3. This Policy is about the management of abusive, persistent and/or vexatious individuals. It sets out how the Council will deal with those individuals that fall within the scope of this definition.
- 1.4. However, the use of this Policy must be balanced with the Council's primary commitment to transparency and provision of services to our residents and their legal rights. Use of the Policy to impose restrictions on individuals will therefore only be used in exceptional circumstances and when the disruption to the Council and risk to employees and Councillors requires action to be taken.
- 1.5. The restrictions on an individual may relate to, interact with, or be connected to complaints and persistent communication submitted to the Council or its elected Members. This Policy will not; however, be used as a basis to reject a complaint outright with each needing to be considered on its merits.
- 1.6. This Policy applies to all areas of the Council.

2. Inappropriate Individual Behaviour and Persistent Complaints

- 2.1. The Council has adopted the Local Government and Social Care Ombudsman's definition of unreasonable or unreasonably persistent individuals:

"Unreasonable and unreasonably persistent individuals are those individuals who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints."
- 2.2. This guidance applies where an individual, raising concerns, complaints or making enquiries of the Council does so in a way where their actions are:
 - Manifestly unjustified; and/or
 - Inappropriate; and/or
 - Intimidating; and/or
 - Represent an improper use of a formal procedure of the Council; and/or

- Are occurring at such a frequency as to result in an impact on the ability of the Council, its Officers and Councillors to undertake their functions in a usual manner.
- 2.3. The following, though not an exhaustive list, may be considered as being in this category:
- Refusing to specify the grounds of a complaint, despite offers of help.
 - Refusing to cooperate with a 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 on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced.
 - Making repeat complaints about a Councillor which are unsubstantiated or repeat allegations previously considered and dealt with.
 - Changing the basis of the complaint as an investigation proceeds.
 - Denying or changing statements they 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 themselves or others.
 - Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various employees, Councillors and/or organisations.
 - Making excessive demands on the time and resources of employees with lengthy phone calls, emails to numerous Council employees, or detailed letters every few days, and expecting immediate responses.
 - Submitting repeat complaints with minor additions/variations, which the individual insists make these 'new' complaints.
 - Refusing to accept the decision; repeatedly arguing points with no new evidence.
 - Electronically recording meetings and conversations without prior knowledge or agreement (other than formal meetings of the Council and its Committees, where held in public).
 - Where the Council's complaints process (Stage 1 and 2) has been exhausted, and/or the Ombudsman has issued a response to the complainant, but the complainant continues to contact the Council to challenge the response.
- 2.4. The Council will also, in addition to the above, take steps to protect its employees and elected Members from members of the public who are behaving in a way which is considered abusive, persistent and/or vexatious. This may include physical or verbal abuse and could include the following (however, this list is not exhaustive):
- Speaking to an employee or elected Member in a derogatory manner which causes offence despite being asked to refrain from doing so.

- Swearing, either verbally or in writing at Council employees and/or elected Members despite being asked to refrain from using such language.
- Using threatening language towards elected Members and/or Council employees which provokes fear.
- Being discriminatory in language or actions, whether on the basis of race, religion, gender, sexual orientation or disability, towards any officer or councillor.
- Repeatedly contacting an employee or elected Members regarding the same matter which has already been addressed.

3. Managing unreasonable individual behaviour

- 3.1. This Policy may be invoked if the Council considers that an individual has, at any stage, behaved in a manner which is deemed unreasonable (see above).
- 3.2. The Council may take any actions against an individual that it considers to be reasonable and proportionate in the circumstances.
- 3.3. Types of actions the Council may take:
 - Where an individual tries to reopen an issue that has already been considered through one of the Council's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
 - Where a decision on the complaint has been made, the individual should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
 - Limiting the individual to one type of contact (for example telephone, letter, email, etc.).
 - Placing limits on the number and duration of contacts with employees per week or month.
 - Requiring contact to take place with a named employee and informing the individual that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file.
 - Assigning one officer, a Single Point of Contact (SPOC) to read the individual's correspondence, in order to ensure appropriate action is taken.
 - Offering a restricted time slot for necessary calls to specified dates and times.
 - Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location.
 - Consideration would be given toward legal action and or Police involvement.

Other than in exceptional circumstances, such as for the safety of Council employees and/or elected Members, the Council will not, however, impose a blanket ban on communication and anything received once limits have been imposed on an individual will be considered for response on a case by case basis

4. Matters to Take into Account Before Taking Action

- 4.1. Before taking a decision to invoke this Policy, consideration should be given to whether any further action is necessary, such as:
- Consideration about whether it is appropriate to convene a meeting with the individual and a Senior Officer in order to seek a mutually agreeable resolution
 - If it is known or suspected that the individual has any vulnerabilities, then consideration will be given to offering an independent advocate who may assist the individual with their communication with the Council.
 - Where more than one department is being contacted by the individual, agree a cross-departmental approach; and designate a lead officer to co-ordinate the Council's response.
- 4.2. Council employees must be satisfied before taking any action as defined by this Policy that the individual's circumstances have been taken into account including age, disability, gender, race, religion or belief, and mental health.
- 4.3. If it is known or suspected that the individual has any special needs or vulnerability, then consideration will be given to offering an independent advocate who may assist the individual with their communication with the Council.

5. Imposing restrictions

- 5.1. The first step within service departments is to consider whether a dissatisfied individual is raising legitimate concerns:
- a) Has the complaint been investigated properly?
 - b) Was any decision reached the right one?
 - c) Have communications with the complainant been satisfactory?
 - d) Is the complainant now providing any significant new information that might affect the Council's view of the complaint or requests for service.
- 5.2. Where an Assistant Director/Head of Service or the Complaints Team believes that an individual should have restrictions imposed upon them the matter should be given consideration by the relevant Assistant Director/Head of Service and then be referred to the Council's General Management Team for advice and approval on whether this is warranted and what would be appropriate. The form attached to this Policy as appendix 1 will assist with guiding employees as to the information required to impose restrictions on to a vexatious individual. To assist the Council's General Management Team, the correspondence log at appendix 2 requires completion to demonstrate the level of contact an employee or Member of the Council is receiving.
- 5.3. Advice will be provided by the General Management Team to the Assistant Director/Head of Service and Complaints Team on whether restrictions would be or are warranted (either with or without a prior warning).

- 5.4. Where the behaviour is so severe, a warning is not considered appropriate. The Assistant Director/Head of Service will need the approval of the General Management Team to impose restrictions without issuing a warning before imposing any restriction. In all other cases a warning must be issued as in 5.5 below.
- 5.5. Where a warning is considered appropriate, the Assistant Director/Head of Service will write to the individual and will explain what actions the Council may take if the behaviour does not change.
- 5.6. Where a warning was given, if the individual continues with the unreasonable behaviour the Assistant Director/Head of Service will consult with the General Management Team and the Complaints Team about whether it is necessary to take appropriate action by invoking this Policy.
- 5.7. When the decision has been taken to apply restrictions to an individual, the SPOC will contact the individual in writing (and/or as appropriate) to explain:
- Why this decision has been taken.
 - What action the Council will be taking.
 - How long the limits being imposed will last and when they will be reviewed.
 - The review process of this Policy.
 - What it means in relation to their ability to contact the Council; and
 - The right of the individual to contact the Local Government Ombudsman about the fact that they have been treated as a persistent/vexatious individual.

The SPOC will also update the relevant employees and elected Members, as appropriate, of an individual placed on the Policy.

- 5.8. Any restriction that is imposed on the individual's contact with the Council will be appropriate and proportionate and the individual will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply initially for between six to twelve months, with a review of the restrictions prior to the ending of the Policy terms.
- 5.9. If the individual continues to behave in a way which is deemed unacceptable then, on the request of the Complaints Team and Assistant Director/Head of Service, the Assistant Director/Head of Service, in consultation with the Head of Legal and the General Management, may decide whether to refuse contact with the individual.
- 5.10. Where a decision is taken under 5.7 the Complaints Team will write out to the individual notifying them of this. Again, this will be subject to a review period.
- 5.11. Where the behaviour is so extreme or it threatens the immediate safety and welfare of employees, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the Council may not give the individual prior warning of that action.

- 5.12. Any decision to apply the Policy, or to make an exception to the Policy once it has been applied, should be properly recorded. Any decision not to apply the Policy when requested and the reasons should be properly reported.
- 5.13. When individuals who have been subjected to the Policy make new complaints or a request for service about new issues, these should be treated on their merits and decisions will need to be taken on whether any restrictions that have been applied before are still appropriate and necessary.
- 5.14. A report detailing those subject to this Policy will be presented quarterly to the General Management Team setting out the number of people who are subject to the Policy, the length of time they have been on the register and an outline of the reason for being on the register. Members will also receive regular reports on the number of people subjected to the Policy.

6. Sharing information on restrictions internally

- 6.1. Where restrictions have been imposed on an individual and where the restrictions will affect the individual's ability to communicate with elected members or Officers, there will be the need to inform those who are likely to come into contact with the restricted parties. Limited information will be shared, setting out:
 - What the restrictions are e.g. emails from individual "A" will be redirected to a SPOC.
 - What implications that has for elected Members/Council employees e.g. all correspondence to individual "A" will need to be issued through the SPOC.
 - Who to notify where restrictions are not being adhered to e.g. where restricted to specific means of contact (e.g. emails) and this is not being adhered to by the individual.
 - When the restrictions will be reviewed.
- 6.2. Only information necessary to ensure awareness of correspondence management and the means will be provided.
- 6.3. Where a ward Member is approached by an individual who has had restrictions imposed on them, they will not need to adhere to the restrictions should they wish to make representations on behalf of the individual. This can be representations on any matter, including any restrictions imposed under this Policy.
- 6.4. Subject to the ward Councillor making clear they are representing the individual, Council Officers will be able to continue to progress the matter directly with the ward Councillor in line with normal casework practices.
- 6.5. Where justified and reasonably required on the basis of safety and security of elected Members, Council Officers may disclose, where behaviour of an

individual has been significantly abusive, threatening or violent, to the ward Member that the individual resides in their ward.

7. Review

- 7.1. The Complaints Team will notify the SPOC (where appropriate) when the review of any restrictions on an individual is due to take place. The SPOC will provide information to the Complaints Team and the General Management Team with recommendations and evidence to support whether restrictions will remain in place.
- 7.2. Should the decision be taken to extend the period of restriction, the individual will be advised by the SPOC in writing that the decision to restrict contact will be put in place for a further specified period. The outcome of any subsequent review will be communicated to the individual, outlining if the restrictions will continue to apply and if so why.
- 7.3. If at the end of the restricted period it is considered that the individual's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

8. Ceasing Contact with an Individual during a complaints process

- 8.1. There may be occasions where the relationship between the Council and unreasonably persistent or vexatious individuals breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome.
- 8.2. In such circumstances the Council reserves the right not to carry out the remaining stages of the complaints procedure.
- 8.3. Where this occurs the Council will advise the individual that they may approach the Local Government and Social Care Ombudsman and or Housing Ombudsman who may be prepared to consider a complaint before the procedure has run its course.

9. Record Keeping

- 9.1. The Complaints Team will keep a record of all individuals who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this Policy. This will include details of why the Policy was invoked, what restrictions were imposed and for what period of time.

10. Closure

If an individual continues to express dissatisfaction with the Council's final response to a complaint or request for service:

- a) If further clarification of the outcome is ineffective, the individual should be reminded of their right to refer their complaint to the Local Government Ombudsman. In addition, the individual should be reminded of the availability of independent legal advice. (In exceptional circumstances, i.e. where there may be nothing gained from following all stages of the Council's complaint procedure, the Local Government Ombudsman may be prepared to consider complaints before the complaints procedures have been exhausted).
- b) If the individual continues to complain, the Council should repeat the advice in (a) above and add that the matter is now at an end and that the Council will not enter into any further communication unless it relates to a fresh complaint unrelated to the current complaint.
- c) If the correspondence continues, then the Council should send a response stating that there is nothing more that can be added to the Council's letter set out in (b) above.
- d) If contact continues, subject to being authorised by the General Management Team, the Council should decline to comment further.

If a fresh issue is raised that needs to be addressed it should first be referred to the relevant Assistant Director/Head of Service or SPOC dealing with the issues to consider.

11. Links to other Policies

This Policy should be used in conjunction with other Council Policies and procedures aimed at protecting Officers and the Council, for example the Aggression at Work form, Vulnerability Policy, Safeguarding Adults Policy, Safeguarding Children Policy, Freedom of Information, Data Protection, Complaints Policy and the health and safety at work procedures.

Attention should also be paid to the Council's obligations under the Human Rights Act 1998 to ensure that it is within its right to take any action with regard to a vexatious individual.

12. Equal Opportunities

In determining whether this Policy should be applied to an unreasonable complainant the General Management Team must have due regard to the Council's duty under S149 of the Equalities Act 2010. The Council is committed

to strive to ensure that people are offered equal opportunities regardless of age, race, religion or belief, disability, gender or sexual orientation and will take action to ensure that all forms of discrimination are eradicated from its policies and practices.

This Policy has undergone an Equality Impact Assessment, in order to help the Council to ensure that its policies, functions and services are fair and equitable to all sections of the community; that the Council takes into account their different needs and requirements and is proactive in its approach to promoting equality.

13. Operating the Policy

In summary, if a decision is taken to apply the Policy, the Council will write to inform the individual that:

- The decision has been taken;
- What it means for their contacts with the authority;
- How long any restrictions will last; and
- What the complainant can do to have the decision reviewed.

Enclose with the letter a copy of the Policy.

Keep adequate records of all contacts with vexatious individuals, for example:

- When a decision is taken not to apply the Policy, when an employee asks for this to be done, or to make an exception to the Policy once it has been applied; or
- When a decision is taken not to put a further complaint from such an individual through its complaints procedure for any reason; or
- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the individual are checked to pick up any significant new information.

14. Document History and Approval

Date	Version	Committee Name
03/06/25	1.0	Cabinet

Appendix 1

Form to Consider Implementation of the Policy for Dealing with Unreasonable Complainant Behaviour

Section One (for completion by the Assistant Director/Head of Service)
(To be read alongside the Vexatious Policy)

1. Unreasonable Behaviour Complainant Details					
Name of complainant behaving unreasonably					
Brief description of the Inappropriate behaviour					
Do you consider the Person to be vulnerable? Consideration of the possible vulnerability of the unreasonable complainant (having due regard to Section 149 of the Equalities Act 2010)					
2. Inappropriate Individual Behaviour and Persistent Complainants					
Complaint reference number if applicable					
The individual raising concern, complaints or making enquiries of the Council in a way where their actions are: (Comment appropriate)	Manifestly unjustified	Inappropriate	Intimidating	Improper use of a formal procedure	Frequency

Has the following, though not exhaustive been considered (Comment appropriately below)	
Refusing to specify the grounds of complaint, despite offers of help	
Refusing to cooperate with a complaints investigation process	
Refusing to accept that certain issues are not within the scope of the Councils jurisdiction or within the scope of a complaint procedure.	
Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.	
Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced.	
Making repeat complaints about a Councillor which are unsubstantiated or repeat allegations	

previously considered and dealt with	
Changing the basis of the complaint as an investigation proceeds.	
Denying or changing statements they 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 themselves or others.	
Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various employees, Councillors and/or organisations.	
Making excessive demands on the time and resources of employees with lengthy phone calls, emails to numerous Council employees, or detailed letters every few days, and expecting immediate responses.	
Submitting repeat complaints with	

minor additions/variations, which the individual insists make these 'new' complaints.	
Refusing to accept the decision; repeatedly arguing points with no new evidence.	
Electronically recording meetings and conversations without prior knowledge or agreement (other than formal meetings of the Council and its Committees, where held in public).	
Where the Council's complaints process (Stage 1 and 2) has been exhausted, and/or the Ombudsman has issued a response to the complainant, but the complainant continues to contact the Council to challenge the response.	
Any other comments or reasons not listed above.	
Has the person behaved in a way that is considered abusive/and or vexatious This may	

include physical or verbal abuse (The list below is not exhaustive)	
Speaking to an employee in a derogatory manner which causes offence despite being asked to refrain from doing so.	
Swearing, either verbally or in writing at Council employees and/or elected Members despite being asked to refrain from using such language	
Using threatening language towards elected Members and/or Council employees which provokes fear.	
Being discriminatory in language or actions, whether on the basis of race, religion, gender, sexual orientation or disability, towards any Officer or Councillor.	
Repeatedly contacting an employee or elected Member regarding the same matter which has already been addressed.	
Any other comments/reasons not listed above	

3. Managing Unreasonable Individual Behaviour	
<p>This Policy may be invoked if the Council considers that an individual has, at any stage, behaved in a manner which is deemed unreasonable.</p> <p>The Council may take any actions against an individual that it considers to be reasonable and proportionate in the circumstances. Please see policy for types of action the Council may take:</p>	
4. Matters taken into Account Before taking Action.	
Has consideration to convene a meeting with the Individual and Senior Officer in order to seek a mutually agreeable resolution been undertaken?	
If it is known or suspected that the individual has any special needs or vulnerability, then consideration will be given to offering an independent advocate who may assist the individual with their communication with the Council. Has this been required?	
Where more than one department is being contacted by the individual, agree a cross departmental approach; and designate a lead officer to co-ordinate the Council's response.	
<p>Are you satisfied before taking any action as defined by the Vexatious Policy that the individual's circumstances have been taken into account including age, disability, gender, race and religion or belief, mental health.</p>	

5. Imposing Restrictions	
Has consideration been applied if the dissatisfied individual is raising legitimate concerns	
Has the complaint been investigated properly?	
Was any decision reached the right one?	
Have communications with the complainant been satisfactory?	
Has the complainant now provided any significant new information that might affect the Council's view of the complaint or requests for service?	
Have the Police been contacted at any point?	
Injunction Consideration?	

Section Two (for completion by the Complaints Officer if the individual has made a complaint) To discuss as not always a complaint.

If individual has not been thorough the complaints process, fill out here.

Assistant Director/HoS Meeting	Date	
	Date	
	Date	
	Date	
Warning Letter Issued	Date	
Consideration of the possible vulnerability of the unreasonable complainant (having due regard to		

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Section 149 of the Equalities Act 2010)	
Referred to GMT Date	

If individual has complained use this step.

Complaint Stage (provide completion dates)	Stage 1	
	Stage 2	
	Ombudsman	
	Assistant Director/HoS Meeting	
	Warning letter	
Consideration of the possible vulnerability of the unreasonable complainant (having due regard to Sec 149 of the Equalities Act 2010)		
Referred to GMT		

Section Three (for completion by GMT)

Decision	Approve application	
	Reject application	

Sanctions	Approve requested sanctions	
	Reject requested sanctions	

Name of Appointed SPOC and Title	
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Additional Recommendations	
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Review Date	
Review Officer	

Section Four *(to be completed by Complaints Officer)*

Date of GMT decision	
Complainant notified	
SPOC Notified	
Date SPOC Notified Complainant.	

Review Decision	Close
	Continue <i>(provide reasons)</i>
Complainant notified	
Reported to GMT	

Officers are asked to still keep adequate records of all contacts with vexatious, persistent and/or unreasonable behaviour from the individual:

- When a decision is taken not to apply the Policy when an employee asks for this to be done, or to make an exception to the Policy once it has been applied; or
- When a decision is taken not to put a further complaint from such an individual through its complaints procedure for any reason; or
- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the individual are checked to pick up any significant new information.

Date	Contact from	Contact to	Complaint