



Administrative Policies & Procedures

Policy No. CORP-15 – Frivolous and Vexatious Complaints Policy

Topic:	Frivolous and Vexatious Complaints Policy	Affects:	All Staff
Section:	CORP	Replaces:	N/A
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Prepared By:	Legislative Services	Approval Authority:	CAO

1.0 Policy Statement

The Corporation of the Town of Aurora (the "Town") is committed to providing exemplary service to all members of the public. The Town aims to address service requests and complaints equitably, comprehensively, and in a timely manner.

2.0 Purpose

The purpose of this policy is to address frivolous, vexatious or unreasonably persistent requests or complaints that consume a disproportionate amount of Town time and resources and impede staff from attending to other essential issues. This policy establishes the process to be used by all staff when handling such requests or complaints. Actions taken pursuant to this policy will ensure that municipal resources are used effectively and efficiently, while maintaining a high level of service excellence and responsiveness.

This policy will guide staff to identify situations that meet the criteria of frivolous, vexatious or unreasonably persistent, and the associated actions that may be taken in such circumstances. The aim of this policy is to contribute to the Town's commitment to service excellence and good governance by addressing all requests and complaints equitably and efficiently, while acknowledging that there may be a need to protect staff from unreasonable behavior.

For immediate threats to persons or property, 911 should be contacted.

3.0 Scope

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This policy is not intended to deal with generally difficult requests or complaints. This policy applies to frivolous, vexatious or unreasonably persistent requests or complaints. Deciding whether a request or complaint is frivolous, vexatious or unreasonably persistent, is a flexible balancing exercise, taking into account all the circumstances of the situation. There is no rigid test or criteria in deciding whether a request or complaint is frivolous, vexatious or unreasonably persistent. The key question is whether there is a pattern of conduct likely to cause distress, disruption or irritation, without proper or justified cause.

The decision to classify a subject person's behaviour as unreasonable, or to classify a request or complaint as frivolous or vexatious, could have serious consequences for the subject person, including restricting their access to municipal services.

The decision may be made as a result of a repeated pattern of conduct when, on multiple occasions, the subject person engages in one or more behaviours or actions identified as unreasonable, frivolous or vexatious. This does not preclude a single significant incident from being considered under this policy.

4.0 Definitions

Frivolous - means a Complaint that is reasonably perceived by Town staff to be (a) without reasonable or probable cause, (b) without merit or substance, or (c) trivial;

Vexatious - means a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by Town staff to be (a) malicious, (b) intended to embarrass or harass the recipient, or (c) intended to be a nuisance

5.0 Examples of Frivolous, Vexatious or Unreasonably Persistent Requests or Complaints

Examples of what might be considered frivolous, vexatious or unreasonably persistent requests or complaints are provided below. The list is not exhaustive, nor does a singular action set out below necessitate the application of this policy.

- Complaints concerning an issue which staff have already investigated and determined to be groundless.
- Complaints concerning an issue which is substantially similar to an issue which staff have already investigated and determined to be groundless (e.g.

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with respect to the same neighbour or same property).

- Unreasonable conduct which is abusive of the complaints process, including, but not limited to:
 - harassing, verbally abusing or otherwise seeking to intimidate staff dealing with a complaint;
 - excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with staff in multiple Town departments and/or an elected official simultaneously) while a complaint is in the process of being investigated;
 - repeatedly challenging the findings of a complaint investigation, complaining about the outcome and/or denying that an adequate response has been given;
 - refusing to accept that an issue falls outside the scope of the Town's jurisdiction;
 - making unreasonable demands on staff by, for example, insisting on responses to complaints and enquiries within an unreasonable time-frame;
 - making statements or providing representations that the subject person knows or ought to know are incorrect, or persuading others to do so;
 - demanding special treatment from staff by, for example, not following the normal chain of command and immediately demanding to speak to a manager or supervisor;
 - using new complaints to resurrect issues which were investigated and completed in previous complaints;
 - changing the basis of the complaint as the investigation progresses and/or denying statements made at an earlier stage;

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- refusing to co-operate with the investigation process while still wanting the complaint to be resolved;
- failing to clearly identify the precise issues of the complaint, despite reasonable efforts of staff to obtain clarification of the concerns; or
- providing false or misleading information.

6.0 Responsibilities

Staff must establish, through documented words and/or actions of the subject person (e.g. emails, letters, posts on social media, photographs, voicemails, and staff notes reporting a conversation or incident), that the complaint or request is frivolous, vexatious or unreasonably persistent, before applying the processes and restrictions outlined in this policy.

Each case will be considered on an individual basis. The decision to classify the subject person's behavior as unreasonable or to classify the request as frivolous or vexatious will be made by the Manager or designate of the relevant service area in consultation with the relevant Director.

Employee

If an employee believes that a request or complaint is unreasonable, frivolous or vexatious, the employee should consult with their Manager (or designate), provide any supporting materials and advise the Manager (or designate) of the steps that have been taken to resolve the issue, including as appropriate:

- the length of time that staff have been in contact with the subject person, the history of the interactions (where appropriate), and the amount of correspondence that has been exchanged with the subject person;
- the number of requests and complaints made by the subject person and the status of each; and
- the nature of the subject person's behaviour.

Manager (or designate)

The Manager (or designate) is responsible for reviewing the information provided by staff in a timely manner. The Manager (or designate) may want to contact other

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municipal departments to determine if the subject person is contacting multiple municipal staff/departments.

The Manager (or designate) will;

- meet with their Director and outline the situation, including proposed restrictions, how to inform the subject person of the restrictions and determine a review date for removing, modifying or continuing restrictions.

Directors

Before making a determination to classify the subject person's request or complaint as frivolous, vexatious or unreasonably persistent, the Executive Leadership Team (ELT) must be satisfied that;

- the request has been properly investigated;
- communication with the subject person has been adequate; and
- the subject person is not attempting to provide any significant new information when contacting staff.

7.0 Notification to the Subject Person

When the decision, in consultation with the relevant Director, has been made to classify the subject person's request or complaint as frivolous, vexatious or unreasonably persistent, the subject person (where possible and appropriate) will receive written notification that:

- detail what action staff have taken and why;
- explain what it means for the subject person's contact with the Town; and,
- advise how long the restrictions will last and when the decision will be reviewed.

8.0 Application of Restrictions

Actions available under this policy may include, but are not limited to:

- limiting the subject person's correspondence with staff to a particular format (e.g. email only with a particular email address), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may

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last no longer than ten minutes);

- limiting the subject person to a particular point of contact at the Town (where possible, other staff members should be advised not to respond to the subject person, but to refer them to the point of contact);
- limiting their interactions through Social Media with the Town;
- requiring any face-to-face interactions between the subject person and staff to take place in the presence of an appropriate witness;
- requiring that the subject person produce full disclosure of documentation or information before staff will further investigate a complaint;
- instructing staff not to respond to further correspondence from the subject person regarding the complaint or a substantially similar issue;
- instructing staff not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated;
- instructing staff to severely reduce or completely cease responding to further complaints and correspondence from the subject person;
- instructing staff to close the matter;
- limiting or regulating the subject person's use of municipal services e.g. community centres, access to technology systems, etc.;
- refusing the subject person access to any municipal buildings except by appointment;
- informing the subject person that further contact on the matter of the complaint/request will not be acknowledged or replied to;
- pursuing legal action; and/or
- blocking emails being received by Town staff;

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- other actions as deemed appropriate.

Review of Restrictions

When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of 3 months or longer depending on the severity of the situation. The status of the subject person will be reviewed by the relevant Manager (or designate) on or before the review date. The subject person (where possible) will be informed of the outcome of the review.

The Director may extend the restrictions beyond the review date where appropriate. The subject person shall be notified of the extension and be given another date for review.

Maintaining Records

Staff are responsible for maintaining detailed records of their interactions in order to justify any action being taken to restrict the subject person's access to Town staff. Records must be retained in accordance with the Records Retention By-law, as amended.