



Vexatious Complaints Policy

1. Introduction

- a. This is a policy for dealing with abusive, persistent or vexatious complaints, complainants and groups.
- b. In this policy the term habitual means 'done repeatedly or as a habit'. The term Vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. In this context with regards to the Parish Council it means acting by any means to cause annoyance to the Council, individual members of the Council, members of staff or of a misogynist/misandry nature. This includes defamation or bullying or attempts to bully or harass the Parish Council or any of its Councillors or staff.
- c. This policy intends to assist in identifying and naming persons or groups who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- d. This Policy will be enacted after it is felt that nothing further can be done to solve a real or perceived problem and continual contact with the person or group complaining becomes time consuming and costly for the Council.
- e. This Policy explains how to decide if a complaint should be classed as habitual or unreasonable. It then gives advice about how the complaint should be recorded. Finally, options are listed to help process such complaints or cease contact with complainants.
- f. It is recognised that complainants can use repeated Freedom Of Information (FOI) or Subject Access Requests as a means of perpetuating a complaint which has been determined and therefore the term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 as well as those made under the Council's complaints procedure.

2. Habitual or Vexatious Complainants

For the purpose of this policy the following definition of habitual or vexatious complainants will be used: "The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or unrealistic outcomes; and/or
- (ii) reasonable complaints in an unreasonable manner."
- (iii) other actions that cause annoyance to the Council, individual members of the Council, members of staff or are of a misogynist/misandry nature. This includes defamation or bullying or attempts to bully or harass the Parish Council or any of its Councillors or staff.

Stage 1.

Where complaints continue and are considered to be habitual or vexatious, the Clerk or Chairman will inform the individual in writing that his/her behaviour is considered by the Council to be unreasonable or unacceptable and request a changed approach.

Stage 2.

If there is no improvement in behaviour the Council will consider the matter, and, if considered necessary, will inform the complainant in writing that his/her behaviour falls under the terms of the Habitual and Vexatious Complaints policy. A copy of the policy will be sent to the individual with a letter giving details of any restrictions which will apply. Schedule A details the options available for dealing with such complainants. The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint made in an acceptable manner will always be considered. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Stage 3.

Where there is dispute about action taken or not taken by the Council the complainant may refer the matter to the Local Government Ombudsman.

3. **Complainants (and/or anyone acting on their behalf)** may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet any of the following criteria:

Where complainants:

- a. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted
- b. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed separately.
- c. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- d. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- e. Regularly focus on matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used in applying this criterion.
- f. Have threatened verbally or used physical violence towards Councillor(s) and/or employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the

complaint will, thereafter, only be continued through written communication. A complainant who threatens either verbally or in writing or uses actual physical violence towards a Councillor and/or an employee will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made. It should also be noted that the Parish Council in consultation with the affected individuals will refer any actual or threatened verbal or physical abuse to the Police for investigation.

- g. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on Councillors and employees. A contact may be in person, by telephone, letter, email or fax or any other means. excessive contact will be determined taking into account the specific circumstances of each individual case.
- h. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- i. Make unreasonable demands on the Council and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- j. Make repetitive complaints and allegations which ignore the replies which have been supplied in previous correspondence.
- k. Make unreasonable complaints/comments which impose a significant burden on the resources of the Council and where the complaint:
 - clearly does not have any serious purpose or value.
 - is designed to cause disruption or annoyance;
 - has the effect of harassing the Council or it's Councillors or Staff;
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable. It is in effect the complainant simply refusing to take no for an answer, and the Council has the option of ending all communication with the complainant, and where appropriate referring the complainant to the Ombudsman.

The decision to designate someone as a habitual and vexatious complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied Councillors should be satisfied that:

- the complaint is being or has been investigated properly.
- any decision reached on it is the right one.
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint or that the way in which the complainant has acted is unreasonable.

4. Schedule A – Stage 2 Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

- a) An initial letter will be sent to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If these terms are contravened, consideration will then be given to implementing one or more actions as indicated below:
- i. Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a councillor or a friend acting on their behalf
 - ii. Banning the complainant from sending emails to Councillors and restricting such emails to the Clerk.
 - iii. Restricting contact by telephone or email to a specified day and/or times and/or duration.
 - iv. Requiring any personal contact to be in the presence of an appropriate witness.
 - v. Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them ~~on the specific topic of that complaint~~ (in this case, the Clerk will be the only one who will read future correspondence)

The complainant will be notified of any restrictions imposed and informed of the contact details of the Clerk, with an explanation of why the decision was taken and the duration the restrictions will be applied for.

- b) Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint/complainant.
- c) Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking advice or guidance from its legal advisers or other relevant agencies. This temporary suspension of contact may include the blocking of e-mails from the complainant to those who may have been subjected to harassment.

5. **Further Actions**

If the behaviour warrants the Parish Council will take legal advice and pursue a harassment order or similar against the complainant(s).

Adopted by Council April 2025