Vexatious Complaints Policy

1 Introduction

1.1 Dealing with a complaint can be a straightforward process, but there can be instances when individuals, or groups of individuals, pursue their complaint in a way which can either impede the investigation of a complaint, or have a significant impact on the resources of the Parish Council. This policy identifies situations where a complainant/s might be considered to be unreasonable, habitual and/or vexatious, and outlines the process to be adopted by the Parish Council in such instances.

1.2 The Council acknowledges that raising legitimate queries or criticisms of a complaint as it progresses should not itself lead to someone being regarded as an unreasonable, habitual and/or vexatious complainant.

1.3 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled unreasonable, habitual and/or vexatious complainant.

2 Examples of Unreasonable, Habitual and/or Vexatious Complaints

2.1 Scarning Parish Council is committed to dealing with all complaints in an equitable, comprehensive and timely manner.

2.2 The Parish Council ensures that all complaints are investigated properly according to its adopted Complaints Procedure.

2.3 Whilst the Parish Council endeavours to respond to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2.4 Examples include the following, although the Council recognises this list is not exhaustive, nor does one single feature on its own necessarily imply that the complainant/s will be considered as being in this category.

An unreasonable, habitual and/or vexatious complainant may:-

- Have insufficient or no grounds for their complaint and be making a complaint solely to antagonise
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to co-operate with the Complaints Investigation process while still wishing the complaint to be resolved
- Refuse to accept that issues are not within the remit of the Council's Complaints Procedure, having been provided with information about the scope of the procedure

- Refuse to accept that issues are within the power of the Parish Council to investigate
- Insist on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice
- Make what appear to be groundless complaints about the staff dealing with the complaint, and/or seek to have them dismissed or replaced
- Make an unreasonable number of contacts with the Parish Council in relation to their complaint
- Make persistent or unreasonable demands or expectations of staff and/or the Complaints Procedure (an example of this is a complainant/s insisting on immediate responses to questions)
- Harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the initial complaint
- Introduce trivial or irrelevant new information whilst a complaint is being investigated and expect this to be taken into account and commented on
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements he or she made at an earlier stage in the complaint process
- Adopt a 'scattergun' approach – for instance, pursuing a complaint not only with the Parish Council, but at the same time with, for example, the District Council, Member of Parliament, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- Persistently approach the Parish Council through different routes or other persons about the same issues
- Refuse to accept documented evidence as factual
- Combine some or all of these features

3 Procedure

3.1 If a complainant behaves in a way that is considered to be unreasonable, habitual and/or vexatious the Clerk, in consultation with the Council Chair and Vice Chair, will determine whether a complaint is unreasonable, habitual and/or vexatious.

3.2 If a complainant is identified as above, prior to considering the implementation of this policy the Council will send a copy of the policy to the complainant/s to give them prior notification of its possible implementation.

3.3 If the disruptive behaviour continues and has been identified as unreasonable, habitual and/or vexatious, the Council as a whole will seek agreement to treat the complainant/s as habitual or vexatious and to seek an appropriate course of action.

3.4 The Parish Clerk will notify the complainant/s in writing of the reasons why their complaint has been treated as unreasonable, habitual and/or vexatious, and the action that will be taken.

3.5 Any restriction that is imposed on the complainant's contact with the Council must be appropriate and proportionate. The complainant will be advised of the period of time the restriction will be in place.

In most cases restrictions will apply for between 3 and 6 months, but in exceptional cases may be extended for longer periods.

4 Restrictions

4.1 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include the following:-

- Banning the complainant from making contact by telephone
- Banning the complainant from sending emails to the Council and/or councillors
- Banning the complainant from Council meetings and/or using Council services
- Banning the complainant from accessing any Council building except by appointment
- Restricting telephone calls to specified days/times/duration
- Requiring that any personal contact takes place in the presence of an appropriate witness

5 New Complaints from Complainants who are treated as unreasonable, habitual and/or vexatious

5.1 New complaints from complainants identified under this policy will be treated on their individual merits. The Clerk, Council Chair and Vice Chair will decide whether any restrictions that have been applied before are still applicable and necessary in relation to the new complaint.

5.2 The fact that a complainant has been judged as unreasonable, habitual and/or vexatious (and any restrictions imposed on the Council's contact with them) will be recorded and notified to those who need to know this within the Parish Council.

6 Review

6.1 The status of the complainant(s) judged to be unreasonable, habitual and/or vexatious will be kept under review.

6.2 If a complainant subsequently demonstrates a more reasonable approach their status will be reviewed.

6.3 The complainant(s) will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

7 Record Keeping

Full records will be retained by the Parish Clerk of the details of the case and the action that has been taken. The Council will retain a record of:-

- The name and contact details of each individual who is judged as unreasonable, habitual and/or vexatious
- When the restriction came into force and when it ends
- What the restrictions are

Reviewed without amendment: January 2026.
Next review: January 2028.