



# Swanton Morley Parish Council

## Vexatious Complaints Policy

REVIEWED 2023

NEXT REVIEW: 2026

**Swanton Morley Parish Council** is committed to dealing with abusive, persistent or vexatious complaints and complainants. This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious.

## 1. Definition and Purpose of Policy

1.1. 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'.

1.2. The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

1.3. Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. 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 him or her to be labelled vexatious or unreasonably persistent. habitual or vexatious.

1.4. A habitual or vexatious complainant is one where there is repeated and/or obsessive pursuit of unreasonable complaints and/or unrealistic outcomes; and/or reasonable complaints in an unreasonable manner.

1.5. This policy intends to assist in identifying and managing persons, habitual or vexatious complainants, who seek to be disruptive to the SMPC through pursuing an unreasonable course of conduct. Because of the frequency or nature of their contacts with the SMPC, they hinder the Council's consideration of their or other people's correspondence. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

1.6. Habitual or vexatious complaints can be a problem for SMPC staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy 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.

1.7. Features of an unreasonably persistent and/or vexatious complainant may include any of the following :

- Insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that s/he does not admit or make obvious).
- A refusal to specify the grounds of a complaint despite offers of assistance
- A refusal to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Unwilling to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Unwilling to accept that issues are not within the power of the Council to investigate, change or influence.
- 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 complaints, and seek to have them dismissed or replaced
- Make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or e-mails).
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.

## 2. Procedures

2.1. The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

2.2. Where complaints continue and have been identified as habitual or vexatious the Council will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken.

2.3. The Clerk on behalf of the Parish Council will notify complainant(s), in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. A copy of this policy is available to the complainant(s).

2.4. The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

2.5. Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over

which that the restriction will be in place. In most cases restrictions will apply for between 4 - 6 months but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.

2.6. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone or email, except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf.
- Requiring contact to take place only with the Chair of SMPC
- Letting the complainant know that the Parish Council will not respond to or acknowledge any further contact from them on the specific topic of that complaint
- Refuse all contact with the complainant and stop any investigation into his or her complaint, owing to unacceptable behaviour.

2.7. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

2.8. New complaints from people who have come under this policy will be treated on their merits. The Clerk and the Chairman of the Parish Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. This will be recorded at the next SMPC meeting. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

### **3. Review**

3.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Chairman of the Parish Council after 4 months and at the end of every subsequent 4 months within the period during which the policy is to apply, and reported at the next Full Council Meeting.

3.2 The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

3.3. The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant; when the restrictions came into force and ends; what the restrictions are; when the person and Council were advised.

3.4. Full Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.