



Redgrave Parish Council

HABITUAL OR VEXATIOUS COMPLAINTS POLICY

1. Introduction

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. The following introductory paragraphs form Redgrave Parish Council's Policy for ways of responding to these situations.

In this Policy the term habitual means "done repeatedly or as a habit". The term vexatious is recognised in law and means "donating an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant".

This Policy intends to assist in identifying and managing persons who seek to be disruptive to the activities of Redgrave Parish Council through pursuing an unreasonable course of conduct.

The term complaint in this Policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

Habitual or vexatious complaints can be a problem for Parish Councils. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Councillor time. While Redgrave Parish 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 rectify a real or perceived problem.

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 some being regarded as a vexatious.

The aim of this Policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

2. Definitions

For the purpose of this Policy Redgrave Parish Council defines unreasonably persistent and vexatious complainants as those complainants who:

- Because of the frequency or nature of their contacts with the Parish Council, hinder the Parish Council's consideration of their or other people's complaints, and/or;
- Repeatedly and/or obsessively pursue:
 - Unreasonable complaints and/or unrealistic outcomes, and/or
 - Reasonable complaints in an unreasonable manner

The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Parish Council's decision about the complaint.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

- An unreasonably persistent and/or vexatious complainant may:
 - have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
 - refuse to specify the grounds of a complaint despite offers of assistance
 - refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - refuse 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.
 - refuse to accept that issues are not within the power of the Parish Council to investigate, change or influence.
 - insist on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice (e.g., insisting that there must not be any written record of the complaint).
 - 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 Parish 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 emails).
 - 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.
 - make personal unjustified verbal or written attacks on member(s) of the Redgrave Parish Council.
 - 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.
 - introduce trivial or irrelevant new information whilst the 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.
 - are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved.

- adopts a ‘scattergun’ approach, for instance, pursuing a complaint or complaints not only with the Parish Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Parish 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.
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these ‘new’ complaints which should be put through the full complaints procedure.
- persistently approach the Parish Council through different routes or other persons about the same issue.
- persist in seeking an outcome which the Parish Council has explained is unrealistic for legal or policy (or other valid) reasons.
- refuse to accept documented evidence as factual.
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident.
- combine some or all of these features.

3. Habitual or Vexatious Complainants

Prior to considering its implementation Redgrave Parish Council will send a summary of this Policy to the complainant to give them prior notification of its possible implementation

Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 2, Redgrave Parish Council may agree to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

The Clerk on behalf of Redgrave Parish Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Mid-Suffolk District Councillor responsible for Redgrave Parish Council will also be informed that a resident has been designated as an habitual or vexatious complainant.

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.

4. Imposing Restrictions

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

In the first instance the Clerk will consult with the Chairman of Redgrave Parish Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Parish Council may take if they do not comply.

If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact Redgrave Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Redgrave Parish Council and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact with Redgrave Parish Council will be appropriate and proportionate and the complainant will be advised of the period of time over which the restriction will be in place. In most cases restrictions will apply for between three to six 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 Parish Council meeting.

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

- 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.
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- requiring contact to take place with one named member of staff only.
- restricting telephone calls to specified days and/or times and/or duration
- requiring any personal contact to take place in the presence of an appropriate witness.
- 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 (in this case, a designated member of staff will be identified who will read future correspondence).

When the decision has been taken to apply this Policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the decision has been taken.
- what action has been taken.
- the duration of that action.

The Clerk will enclose a copy of this Policy in the letter to the complainant.

Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Redgrave Parish Council may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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.

5. New complaints from complainants who are treated as abusive, vexatious or persistent

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

The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Redgrave Parish Council's contact with him or her, will be recorded and notified to those who need to know within the Parish Council.

6. Review

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

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

7. Record Keeping

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.

Full Parish 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.

All records will comply with GDPR

Redgrave Parish Council

Habitual or Vexatious Complaints Policy

Adopted: October 2024

Next Review: October 2025 (or sooner if required)

1. Introduction

This Policy identifies situations where a complainant, either individually or as part of a group, may be considered to be habitual or vexatious, and sets out how the Council will respond.

- **Habitual** means behaviour that is repeated or done as a matter of routine.
- **Vexatious** is recognised in law as denoting an action that is brought without sufficient grounds and primarily to cause annoyance.

The aim of this Policy is to:

- protect the ability of the Council to conduct its business efficiently;
- ensure complainants are treated fairly, consistently and with respect; and
- safeguard staff, councillors, and public resources from persistent or unreasonable behaviour.

The term “complaint” includes requests made under the Freedom of Information Act 2000, the UK GDPR and Data Protection Act 2018.

Legitimate complaints, queries or criticisms — such as concerns about timescales, process or decisions — will not in themselves result in someone being regarded as vexatious.

2. Definitions

Redgrave Parish Council defines **unreasonably persistent or vexatious complainants** as those whose actions, because of frequency, nature or tone:

- hinder the Council’s consideration of their own or other people’s complaints; and/or
- repeatedly or obsessively pursue unreasonable complaints or unrealistic outcomes; and/or
- pursue reasonable complaints in an unreasonable manner.

Examples may include (not exhaustive):

- refusing to accept matters outside the Council’s remit or legal powers;
- demanding outcomes that are unrealistic or unlawful;
- persistently contacting multiple councillors or officers on the same issue;
- introducing irrelevant or trivial information during investigations;
- harassing, intimidating, or verbally abusing councillors, staff, or contractors;
- electronically recording meetings or conversations without consent;
- pursuing the same or minor variations of a complaint repeatedly after resolution;
- refusing to accept documented evidence as factual;
- using offensive, racist or discriminatory language;
- adopting a “scattergun” approach by contacting MPs, other councils, police, auditors etc. simultaneously without exhausting the local process.

3. Habitual or Vexatious Complainants

- The Council will always ensure that a complaint has been properly investigated under its **Complaints Policy** before considering action under this Policy.

- A complainant may be designated as habitual or vexatious following consultation between the **Clerk** and the **Chairman of the Council**, and notification to **Full Council**.
 - The complainant will be notified in writing of:
 - the reasons for the decision,
 - the restrictions imposed, and
 - the duration of the restrictions.
 - The Mid-Suffolk District Councillor for Redgrave will be informed when such a designation is applied.
 - The status of the complainant will be reviewed at least every three months, or at the next Full Council meeting.
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4. Imposing Restrictions

Restrictions will be **appropriate, proportionate, and time-limited** (normally three to six months, extendable if necessary). Options include:

- requiring contact only through a single named officer or councillor;
- limiting telephone calls to set times/days;
- requiring all correspondence by letter, not email;
- banning contact by telephone except through a third party (e.g., solicitor or councillor);
- requiring meetings to be held with a witness present;
- informing the complainant that no further correspondence will be acknowledged on the specific matter already concluded.

Where behaviour threatens the safety or wellbeing of councillors, staff or the public, the Council may contact the **police** or seek **legal remedies** without prior warning.

5. New Complaints

- New complaints from individuals previously designated under this Policy will be considered on their merits.
 - Restrictions may remain in place if they are still proportionate and necessary.
 - The Council will not operate a blanket ban and will continue to consider genuine new service requests or complaints.
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6. Equality, Accessibility and Reasonable Adjustments

- The Council will not designate a complainant as vexatious on the basis of any protected characteristic under the **Equality Act 2010**.

- Where a complainant has a disability or communication difficulty, the Council will make **reasonable adjustments** to ensure fair access to the complaints process.
 - All policy communications will be made available in accessible formats (e.g., large print, electronic, or alternative languages) on request.
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7. Review

- The status of any complainant designated under this Policy will be reviewed by the **Clerk and Chairman**, and confirmed or amended by **Full Council**, every three months or at the next Council meeting.
 - The complainant will be informed of the result of each review.
 - A complainant may request that the decision be reviewed by Full Council (excluding councillors directly involved in the original complaint).
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8. Record Keeping

The Clerk will maintain secure records of:

- the complainant's name and address;
- the reason for designation and the restrictions imposed;
- the start and end dates of restrictions;
- Council reviews and decisions.

Records will be retained only for as long as necessary, in accordance with the Council's **Privacy Notice, Records Management Policy**, UK GDPR and the Data Protection Act 2018.

A regular anonymised report will be provided to Full Council on the use of this Policy.

9. Transparency

This Policy will be:

- published on the Council's website in an **accessible format** (WCAG 2.2 AA compliant);
 - available in paper copy on request;
 - provided in alternative formats if required.
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✦ **This redraft ensures SAPP 2025 compliance by strengthening equality, accessibility, proportionality, GDPR/data retention, transparency, and adding a formal review/appeal mechanism.**

Would you like me to now convert this into a **ready-to-use Word document template** (with clear headings, numbering, and a footer for adoption/review dates)?