



1) Introduction

- a) Dealing with a complaint is normally a positive and helpful process, but in a small minority of cases, individuals pursue their complaints in a way which can impede the investigation of their complaint or can have a significant cost of the council without reasonable justification. This can happen either whilst their complaint is being investigated, or once the council has dealt with the complaint.
- b) We are committed to dealing with all complaints equitably, comprehensively and in a timely manner, and we will not normally limit the contact which complainants have with Councillors or Officers.
- c) However, we do not expect Councillors or Council Officers to tolerate unacceptable behaviour by any individual or organisation. We will take action to protect Councillors and Officers from such behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening, either physically or verbally.
- d) If a complainant behaves in a way that is repetitive, habitual or vexatious, we will follow this policy to manage the interaction.
- e) Raising legitimate queries or criticisms of a complaints procedure, for example if agreed timescales are not met, would not in itself lead to someone being regarded as an habitual and/or vexatious complainant.
- f) Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, would not necessarily cause him or her to be regarded as an habitual and/or vexatious complainant.

2) Aim of the policy

To clarify how we will decide which complainants will be treated as habitual/or vexatious, and what we will do in those circumstances.

3) Definitions

- a) We define habitual and vexatious complainants as those who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.
- b) Examples include, but are not limited to persistent "copying in" of individuals and organisations other than those to whom the complaint is addressed, or responding inappropriately when informed of our decision about the complaint.
- c) A habitual and/or vexatious complainant may (note: this is not an exhaustive list and other factors may be taken into consideration):
 - Have insufficient grounds for their complaint and appear to be making the complaint mainly to annoy or embarrass or to waste time.
 - Refuse to specify the grounds of a complaint despite offers of assistance.
 - Refuse to co-operate with the complaint's investigation process.
 - Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been given information about the policy and procedure.
 - Refuse to accept that issues are not within the power of the council to investigate or influence e.g. complaint about something that is the responsibility of another organisation.
 - Refuse to accept the outcome of the complaint process after its conclusion.

- Refuse to accept that the response or information given is truthful or accurate, or to accept the findings of independent experts.
- Taking an excessive “scattergun” approach.
- Electronically recording meetings and conversations without the prior knowledge and consent of other people involved
- Sending a disproportionately high volume of letters, emails and/or phone calls
- Contacting members of the Council, Officers or other officials other than through official channels.
- Making excessive demands on staff while a complaint is being dealt with
- Registering repeat complaints after the original complaint has been fully investigated and completed.
- Behaving in such a way as to have a serious detrimental effect on the morale of Councillors, for example, causing them to question whether they can continue in the role.

4) Imposing restrictions when behaviour is considered vexatious

- a) We will always first ensure that the complaint is being, or has been, investigated properly according to the Council’s Complaints Procedure.
- b) If the complainant’s behaviour appears to be problematic, the Clerk will consult with the Chair or Vice Chair to agree how to proceed.
- c) The Chair will contact the complaint to explain why their behaviour is causing concern and ask them to moderate their behaviour. He/ she will explain the actions that the council may take if the behaviour does not change and will supply a copy of the procedure.
- d) If the problematic behaviour continues, then the Chair and/ or Vice Chair, in consultation with the Clerk may decide that the behaviour is vexatious. The Clerk will inform the complainant in writing of this, and of any limitations or procedures which have been put into place, and for what period. The Clerk will also inform other members of the Council.
- e) Any restrictions that are imposed on the complainant’s contact with us will be appropriate and proportionate. In most cases, restrictions will apply for three or six months but in exceptional cases may be extended; in such cases, the restrictions would be reviewed.
- f) Restrictions will be tailored to deal with the individual circumstances of the complaint and may include:
 - Requiring the complainant to make telephone contact only through a third party.
 - Requiring the complainant to send emails only to a specific nominated individual.
 - Requiring contact to take place with one named Councillor or Officer only.
 - Restricting telephone calls to specified times or of limited duration.
 - Requiring any personal contact to take place only in the presence of an appropriate witness.
 - Advising the complainant that we will not respond to any further contact from them on the specified topic of that complaint, setting out our reasons.

5) Procedure

- a) When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain:
 - Why we have taken the decision
 - The duration of that action
 - The review process
- b) The Clerk will enclose a copy of this policy in the letter to the complainant.

- c) The fact that the complainant is judged to be a vexatious complainant and any restrictions imposed on our contact with them, will be kept by the Clerk of the Council on behalf of the Chair.
- d) New complaints from people who have come under this policy will be treated on their merits. The Clerk in consultation with the Chair and/ or Vice Chair will decide and advise the council whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint.
- e) We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are raised. Any new issue will be given proper consideration.

6) Review and Record Keeping

- a) The status of a complainant judged to be habitual and/or vexatious will be reviewed by the Clerk and the Council after three months and at the end of every subsequent three-month period during which the policy applies.
- b) The complainant will be informed in writing of the result of the review.
- c) Adequate records will be retained by the Clerk of the details of the case and the action that has been taken.

	Date	Minute ref
Adopted	9 December 2019	14a)
Last reviewed	10 June 2024	17a)