

1. Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be 'habitual or vexatious' and addresses the manner of response by Streatley Parish Council (SPC).

2. Definitions

Habitual: defined as 'performed repeatedly or as a habit'.

Vexatious: 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant' as defined in law. In the Parish Council context, it means acting to cause annoyance to the Council, individual members of the Council or members of staff.

Complainant: a person (and/or anyone acting on their behalf) who has made previous repeated contact or current contact with them shows that they meet one of the criteria, specified below.

3. Vexatious Complainant Behaviours

A person (and/or anyone acting on their behalf) may be considered to be a vexatious complainant if they:

1. persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
2. persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response 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 as separate complaints).
3. are repeatedly unwilling to accept documentary factual evidence or deny receipt of an adequate response despite 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.
4. repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

5. regularly focus on a *trivial* matter to an extent which is out of proportion to its significance and continue to focus on this point. Noting that careful judgement will be used to determine a matter to be *trivial*.
6. have, during addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
7. have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.
8. are known to have recorded meetings or face to face / telephone conversations without the prior knowledge and the consent of other parties involved.
9. make unreasonable demands on the customer / Council relationships 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.

4. Courses of Action

Where complainants have been identified as habitual or vexatious in accordance with the criteria described above the Clerk, in consultation with the Chairman and Vice Chairman of the Council will as appropriate take one or more of the following courses of action:

1. Notify the complainant in writing why their complaint has been classified as vexatious.
2. Invite the complainant to meet with the Clerk and the Chairman of the Council to discuss the matter.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose.
4. Advise the complainant of the Council's normal complaints procedure and what steps to follow if that is appropriate.
5. Notify the complainant that correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
6. Decline further contact with the complainant, either in person, by telephone, fax, letter, e-mail or by any other means.
7. Inform the complainant that the Council may seek legal advice regarding unreasonable or vexatious complaints.

8. Notify the complainant of the contact details of the local Government ombudsman and suggest contact with such office if they wish to take the matter further.

All councillors will be notified as to vexatious or habitual complainants once such status has been determined and their status will be kept under review.

If a vexatious or habitual complainant subsequently demonstrates a more reasonable approach or if they submit a separate complaint, for which the normal complaints procedure would appear appropriate, normal status may be re-instated.

5. Threatened or Applied Physical Violence

If a complainant has threatened or used physical violence towards Council staff or members at any time, the police are to be informed and all personal contact with the complainant and/or their representatives is to be discontinued. The complaint will, thereafter, only be continued through written communication. All such instances will be documented.



Signed :

Colin Smith
Chairman, Streatley Parish Council

Date : 09 December 2024