Parish Council

CENTRAL SWINDON NORTH PARISH COUNCIL

HABITUAL
&
VEXATIOUS COMPLAINANT POLICY

Change Log		
Review Date	**Action**	**By Whom**
September 2026	Review	AR

INTRODUCTION

This policy identifies situations where a complainant or contact, either individually or as part of a group, or a group of complainants or contacts, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

In general 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'*. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the 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 1998 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual or vexatious complainants or contacts can be a problem for Council staff and Councillors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Parish Clerk and Councillor time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants and contacts there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

HABITUAL OR VEXATIOUS COMPLAINANTS

For the purpose of this policy the following definition of habitual or vexatious complainants will be used:
The repeated and/or obsessive pursuit of:
(i) Unreasonable complaints/enquiries and/or unrealistic outcomes; and/or
(ii) Reasonable complaints/enquiries in an unreasonable manner.

Prior to considering its implementation the Parish Clerk may send a copy of this policy to the complainant/contact to give them prior notification of its possible implementation

Where complaints/contacts continue and these are considered to be habitual and/or vexatious in accordance with the criteria set out in the attached document (Schedule A), Central Swindon North Parish Council shall consider the item in private session and resolve by a simple majority vote to declare a case of habitual and/or vexatious complaint exists or and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.

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

Once a complainant is determined to be habitual and/or vexatious, their status will be kept under review for a minimum period of one year after which the status can be withdrawn or not by the Parish Council by considering the item in private session and resolve by a simple majority vote.

SCHEDULE A – CRITERIA FOR DETERMINING HABITUAL OR VEXATIOUS COMPLAINANTS / CONTACTS

Complainants/contacts (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet *one* of the following criteria. Where complainants/contacts:

1. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint/enquiry or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint/enquiry is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint/enquiry as they need to be addressed as separate complaints/enquiries.)

3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of 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. It is recognised that determining what a trivial matter is, can be subjective and careful judgment will be used in applying this criteria.

6. Have threatened to/or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant/contact that threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant.

The complainant/contact will be informed of this in writing together with notification of how future contact with the Council is to be made.

7. Have, in the course of addressing a registered complaint/enquiry, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.

8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint/enquiry. Employees recognise that complainants/contacts may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. *Some complainants/contacts may have a mental health disability and there is a need to be sensitive in circumstances of that kind.*

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

10. Make unreasonable demands on the Council and its employees 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.

11. Make unreasonable complaints/enquiries which impose a significant burden on the human resources of the Council and where the complaint/enquiry:
· clearly does not have any serious purpose or value; or
· is designed to cause disruption or annoyance; or
· has the effect of harassing the public authority; or
· can otherwise fairly be characterised as obsessive or manifestly unreasonable.

12. Make repetitive complaints, enquiries and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

13. Having by continuous, persistent and repetitive contact with a single employee, be classed as harassing, victimizing, bullying or causing mental anguish to that employee to a point that their work for the council is impaired.

SCHEDULE B – OPTIONS FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS/ CONTACTS

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant/contact setting out responsibilities for the parties involved if the Council is to continue processing the complaint/enquiry. If terms are contravened, consideration will then be given to implementing other action as indicated below.

2. Decline contact with the complainant/contact, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant/contact will be notified of this person.

3. Notify the complainant/contact, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint/enquiry but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/contact will also be notified that the correspondence is at an end, advising the complainant/contact that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint or enquiry.

4. Inform the complainant/contact that in extreme circumstances the Council will seek legal or police advice on habitual or vexatious complaints or enquiries and if applicable seek an injunction or prosecution against anyone deemed to be habitual and/or vexatious in their dealings with Council.

5. Temporarily suspend all contact with the complainant/contact, in connection with the issues relating to the complaint/enquiry being considered habitual or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government Ombudsman or External Auditor.