



LISS PARISH COUNCIL

HABITUAL OR VEXATIOUS COMPLAINTS POLICY

1. Introduction

1.1 This policy sets out guidance and procedures to help deal with people who repeatedly complain to Liss Parish Council or who complain in an unreasonable way and explains how to decide if a complainant should be classed as habitual or vexatious.

1.2 This policy should assist Liss Parish Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents. It is designed to ensure the rights of the public are protected, whilst ensuring that scarce resources are used effectively, and that staff and Councillors receive a degree of protection from the stress that can be caused by vexatious correspondence and complaints.

1.3 This policy is not designed to address violent or threatening behaviour which needs an urgent response.

2. Definition

2.1 Habitual or vexatious complaints and correspondence can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing or repetitious.
- An insistence on pursuing unmeritorious issues and/or unrealistic outcomes.
- An insistence on pursuing meritorious complaints or issues in an unreasonable manner.
- A 'scatter gun' approach, with copies of letters being sent to several recipients on a regular basis i.e. media, MP's, Council members and other external regulators.
- Repeated and/or frequent requests for information, whether those requests are made under the access to information regulations.
- Refusal to specify the grounds of the complaint under the formal procedure.
- Refusal to co-operate with the Liss Parish Council Code of Practice for Handling Complaints
- Refusal to accept that issues are not in the remit of the Liss Parish Council Code of Practice for Handling Complaints.
- Refusal to accept that issues are not in the power of Liss Parish Council to investigate or influence i.e. something that is the responsibility of another organisation.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on an historic and/or irreversible decision or incident.

3. Procedure

3.1 The Parish Council will ensure that the complaint, if submitted, is being or has been investigated properly according to the Liss Parish Council Code of Practice for Handling Complaints.

3.2 In the first instance the Clerk will consult with the Chair of the Council prior to issuing a warning to the complainant. The Clerk will then contact the complainant in writing to explain why the behaviour is considered by the Council to be unreasonable or unacceptable and request a changed approach.

3.3 If the disruptive behaviour continues, the Clerk will issue a letter to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant of why the decision has taken, what procedures have been put in place and for what period. In most cases the restrictions will be for a period of between three to six months, but in exceptional circumstances this may be extended. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3.4 Restrictions will depend on the individual circumstances and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or friend acting on their behalf.
- Banning the complainant from sending emails and insisting they only correspond by postal letter.
- Requiring contact to take place with one named person only.
- Restricting telephone calls to specified days and/or times.
- Requiring any personal contact to take place in front of an appropriate witness.
- Letting the complainant know that Liss Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this instance a designated officer/councillor will be identified to read future correspondence to establish if the content relates to the original issue).

3.5 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed will be recorded and notified to those who need to know within the Council.

3.6 The complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations. The Clerk will enclose a copy of this policy in the letter to the complainant and the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as vexatious/persistent.

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

4. New complaints from complainants who are treated as habitual or vexatious

4.1 New complaints from people who have come under this policy will be treated on their merits. The Council will decide whether any restrictions previously applied are still appropriate and necessary in relation to the new complaint.

4.2 A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

5. Review

5.1 The Clerk will retain adequate records of the details of each case and the action that has been taken. The status of a complainant judged to be a habitual and/or vexatious will be reviewed after three months and at the end of every subsequent three months in which the restriction applies.

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

Approved by Liss Parish Council on 16th September 2024. To be reviewed in 2027.