

BRANSTON AND MERE PARISH COUNCIL

HABITUAL AND VEXATIOUS COMPLAINTS POLICY

1. Introduction

Branston and Mere Parish Council is committed to providing an accessible and transparent complaints process. However, in rare cases, complainants may behave in a manner that is unreasonable, persistent, or vexatious, which hinders the proper consideration of complaints and the efficient operation of the Council. This policy provides a framework for identifying and managing habitual or vexatious complainants in a fair, transparent, and proportionate manner.

2. Definition of Habitual or Vexatious Complainants

A complainant may be considered habitual or vexatious where they meet one or more of the following criteria:

1. **Persistent Complaints** – Persisting with the same complaint after a full investigation and response has been provided, despite no new evidence being presented.
 2. **Unreasonable Demands** – Insisting on responses within an unreasonable timescale, excessive contact about a complaint, or repeated insistence on meeting with officers or councillors without justification.
 3. **Abusive or Aggressive Behaviour** – Using threatening, abusive, or offensive language in any communication with the Council.
 4. **Failure to Accept Decisions** – Persistently challenging decisions made by the Council, refusing to accept explanations, or seeking to undermine legitimate processes.
 5. **Multiple Complaints on the Same Issue** – Raising the same or similar issues repeatedly with different councillors, staff, or external bodies.
 6. **Excessive Demands on Resources** – Engaging in frequent, lengthy, and repetitive communications which impose an excessive workload on staff and councillors.
 7. **Making Unfounded Allegations** – Accusing Council staff, councillors, or contractors of misconduct without evidence.
-

3. Procedure for Managing Habitual or Vexatious Complainants

Step 1: Initial Identification

- The Clerk will review the complaint history to determine whether the complainant's behaviour meets the criteria for being habitual or vexatious.
- A log of interactions will be maintained for transparency.

Step 2: Formal Warning

- The Clerk will issue a written warning to the complainant, explaining why their behaviour is considered unreasonable and outlining the consequences should the behaviour persist.
- The complainant will be given an opportunity to modify their behaviour.

Step 3: Restrictions on Communication

If the behaviour continues, the Council may impose restrictions, including:

- Limiting the complainant to written communication only.
- Restricting the number of communications to a specified frequency (e.g., one letter/email per month).
- Appointing a single point of contact for all communications.
- Declining to respond to repeated complaints about the same issue.

Step 4: Review of Restrictions

- Restrictions will be reviewed every six months to determine whether they remain necessary.
- The complainant will be informed in writing of any changes to their status.

Step 5: Final Sanctions

If the complainant continues to act unreasonably despite restrictions, the Council may take further action, such as:

- Referring the matter to legal counsel.
- Reporting harassment to the appropriate authorities.
- Ceasing all communication unless new, substantive information is provided.

4. Appeal Process

- The complainant may appeal in writing within 21 days of a restriction being imposed.
- The appeal will be considered by a panel of three councillors who were not involved in the original decision.
- The decision of the appeal panel is final.

5. Recording and Reporting

- All instances of complaints being deemed habitual or vexatious will be recorded.
- Reports will be provided to the Council for monitoring purposes while maintaining confidentiality.

6. Review of Policy

This policy will be reviewed annually to ensure its effectiveness and fairness.

This policy aligns with guidance from the **National Association of Local Councils (NALC)** and **Local Government Association (LGA)** best practices on managing complaints.

DOCUMENT HISTORY

Version number	
Responsible Committee	Full Committee
Approval by	Full Committee
Date of approval/adoption	May 2025
Maximum review period	
Date for next review	May 2026

Change History	
Last version to 1.0	

Introduction

Branston and Mere Parish Council is committed to providing an accessible and transparent complaints process. However, in rare cases, complainants may behave in a manner that is unreasonable, persistent, or vexatious, which hinders the proper consideration of complaints and the efficient operation of the Council. This policy provides a framework for identifying and managing habitual or vexatious complainants in a fair, transparent, and proportionate manner.

2. Definition of Habitual or Vexatious Complainants

A complainant may be considered habitual or vexatious where they meet one or more of the following criteria:

8. **Persistent Complaints** – Persisting with the same complaint after a full investigation and response has been provided, despite no new evidence being presented.
 9. **Unreasonable Demands** – Insisting on responses within an unreasonable timescale, excessive contact about a complaint, or repeated insistence on meeting with officers or councillors without justification.
 10. **Abusive or Aggressive Behaviour** – Using threatening, abusive, or offensive language in any communication with the Council.
 11. **Failure to Accept Decisions** – Persistently challenging decisions made by the Council, refusing to accept explanations, or seeking to undermine legitimate processes.
 12. **Multiple Complaints on the Same Issue** – Raising the same or similar issues repeatedly with different councillors, staff, or external bodies.
 13. **Excessive Demands on Resources** – Engaging in frequent, lengthy, and repetitive communications which impose an excessive workload on staff and councillors.
 14. **Making Unfounded Allegations** – Accusing Council staff, councillors, or contractors of misconduct without evidence.
-

3. Procedure for Managing Habitual or Vexatious Complainants

Step 1: Initial Identification

- The Clerk will review the complaint history to determine whether the complainant's behaviour meets the criteria for being habitual or vexatious.
- A log of interactions will be maintained for transparency.

Step 2: Formal Warning

- The Clerk will issue a written warning to the complainant, explaining why their behaviour is considered unreasonable and outlining the consequences should the behaviour persist.
- The complainant will be given an opportunity to modify their behaviour.

Step 3: Restrictions on Communication

If the behaviour continues, the Council may impose restrictions, including:

- Limiting the complainant to written communication only.
- Restricting the number of communications to a specified frequency (e.g., one letter/email per month).
- Appointing a single point of contact for all communications.
- Declining to respond to repeated complaints about the same issue.

Step 4: Review of Restrictions

- Restrictions will be reviewed every six months to determine whether they remain necessary.
- The complainant will be informed in writing of any changes to their status.

Step 5: Final Sanctions

If the complainant continues to act unreasonably despite restrictions, the Council may take further action, such as:

- Referring the matter to legal counsel.
- Reporting harassment to the appropriate authorities.
- Ceasing all communication unless new, substantive information is provided.

4. Appeal Process

- The complainant may appeal in writing within 21 days of a restriction being imposed.
- The appeal will be considered by a panel of three councillors who were not involved in the original decision.
- The decision of the appeal panel is final.

5. Recording and Reporting

- All instances of complaints being deemed habitual or vexatious will be recorded.
 - Reports will be provided to the Council for monitoring purposes while maintaining confidentiality.
-

6. Review of Policy

This policy will be reviewed annually to ensure its effectiveness and fairness.

This policy aligns with guidance from the **National Association of Local Councils (NALC)** and **Local Government Association (LGA)** best practices on managing complaints.