VEXATIOUS COMPLAINTS POLICY

Adopted at the 7TH September 2022 meeting of Eastleigh Town Council

Subsequent amendments agreed as follows:

Version	Owner	Date Approved	Minute Ref	Action?	Website updated	Next review
V1-2022	Town Council	23/07/2025	30 / 25 / 3			

Introduction

This policy identifies situations where a complainant or a group of complainants may be complaining habitually or vexatiously.

In this policy, 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 this is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. Full definitions are provided in Section 3.

This policy intends 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 UK General Data Protection Regulation (UK GDPR) as supplemented by the Data Protection Act 2018, and reference to the Complaints Procedure is, where relevant, also to be interpreted as a request under those acts.

Habitual or vexatious complaints can be a problem for council staff and members because they are time consuming and wasteful of Officer and Member time. While the councilendeavours to respond with patience and sympathy to the needs of all complainants, there are occasions where there is nothing further that can reasonably be done to assist or to rectify a real or perceived problem.

Raising legitimate queries or criticisms of a complaints procedure as it progresses are not justifications for a person being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled vexatious or unreasonably persistent.

The aim of this policy is to contribute to dealing with all complaints in a demonstratablyconsistent, fair and reasonable manner.

Habitual or Vexatious Complainants

Full definitions of 'habitual' or 'vexatious' complainants can be found in Section 3.

Prior to implementing the restrictions described in Section 4, the council will send a summary of this policy to the complainant.

Where complaints have been identified as habitual or vexatious, in accordance with the criteria set out in Section 3, council will seek agreement to treat the complainant as habitual or vexatious and the appropriate course of action will be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

The Clerk will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Executive Head (Monitoring Officer for the purposes of section 5(1) of the Local Government and Housing Act 1989) ofthe Principal Authority will also be informed that a constituent has been designated as a habitual or vexatious complainant **where necessary and in compliance with data protection legislation**.

The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Definitions

Eastleigh Town Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contact with the council, hinder the council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way in which, or frequency with which, complainants raise their complaints with staff, or how complainants respond when informed of the council's decision about the complaint.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

- Have insufficient or no grounds for the complaint and be making the complaint only to annoy.
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of the council to investigate, change or influence.
- Insist on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice (e.g. insisting that there must not be any written record of the complaint).
- Make what appears to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced.
- Makes an unreasonable number of contacts with the council by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (anTt example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes, telephone calls or emails).
- Verbally abuse or otherwise seek to intimidate staff or members dealing with their complaint, in relation to their complaint by use of foul or inappropriate language, or by use of offensive and racist language, or publish their complaints in other forms of media (including social media).
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expecting this to be taken into account and commented on.
- Changing the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements they made at an earlier stage in the complaint process.
- Are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- Adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the council, but at the same time with, for example, a Member of Parliament, other council's, elected Councillors of this and other council's, the council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors.
- Refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given.
- Makes the same complaint repeatedly, perhaps with minor differences, after the complaint's procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaint's procedure.

- Persistently approaches the council through different routes or other persons about the same issue
- Persists in seeking an outcome which the council has explained is unrealistic for legal, policy or other valid reasons
- Refuses to accept documented evidence as factual without reasonable grounds to dispute it
- Makes complaints about or challenges an issue based on a historic and/or irreversible decision or incident.

Imposing Restrictions

When a complainant is suspected of being vexatious or habitual, the Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

In the first instance, the Town Clerk will consult with the Chair of the council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing to explain why this behaviour is causing concern, ask them to change this behaviour and outline the actions that the council may take if they do not comply.

If the disruptive behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Town Council in future will be restricted. The Town Clerk will make this decision in consultation with the Chair of the council and inform the complainant in writing of what procedures have been put in place and for what period of time.

Any restriction that is imposed on the complainant's contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time over which the restriction will be in place. In most cases, restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases, the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or, in certain cases, through a friend acting on their behalf.
- Requiring contact to take place with one named member of staff only.
- Restricting telephone calls to specific days and/or times and/or duration requiring any personal contact to take place in the presence of an appropriate witness.
- Letting the complainant know that the Town Council will not respond to or acknowledge any further contact from them on the specific topic of that complaint.

When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing to explain why the decision has been taken, what action has been taken and the duration of that action.

The Town Clerk will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chair of the council may decide to refuse all contact with the complainant and stop any investigation into their complaint.

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

New complaints from complainants who are treated as vexatious or persistent

New complaints from people who have previously been identified as vexatious or habitual under this policy will be treated on their merits. The Town Clerk and Chair will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor is ignoring genuine service requests or complaints where they are founded.

Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk and Chair after three months, and again at the end of every three months within the period during which the policy is to apply.

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

A report will be provided to Full Council under a confidential session due to exempt business, summarising the number and nature of cases considered under this policy. Any identifying details will be shared only where strictly necessary and in line with data protection legislation.

Record Keeping

The Town Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as vexatious or persistent, or any other person who so aids the complainant
- The nature of the complaint
- When the restrictions came into force and will end
- What the restrictions are and why
- When the complainant and council were advised

A report will be provided to Full Council under a confidential session due to exempt business, summarising the number and nature of cases considered under this policy. Any identifying details will be shared only where strictly necessary and in line with data protection legislation.