

CHIPPERFIELD PARISH COUNCIL

HABITUAL OR VEXATIOUS COMPLAINTS POLICY

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This document should be read in conjunction with the Dignity at Work Policy of Chipperfield Parish Council.

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 ways of responding to these situations. The Council will take action to protect staff, councillors, and/or volunteers from any such vexatious behaviour. Dealing with a complaint is usually straightforward, but in the minority of cases, people pursue their complaints in a way that can either impede the investigation or can have significant resource issues for the Council.

Definitions

In this policy the term HABITUAL means 'done repeatedly or as a habit' (i.e. unreasonably persistent). The term VEXATIOUS is recognised in law and means 'denoting an action or the bringing of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant':

In the Parish Council context, it means acting to cause annoyance to the Council, individual members of the Council, members of staff.

Complainants (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 in which complainants:

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 evidence given as being factual 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 has elapsed.
4. Repeatedly do not 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 that is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective, and careful judgement will be used in applying this criterion.
6. Have, during the addressing of a registered complaint, had an excessive number of contacts with the Council, thereby placing unreasonable demands on staff or members. To determine 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 judgment based on the specific circumstances of each 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 conversations or telephone conversations without the prior knowledge and 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.

Procedures for dealing with habitual or vexatious complainants

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

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chair and Vice Chair of the Council will take the following actions:

1. The complainant will be notified in writing that their complaint has been classified as vexatious and given the reasons for this decision.
2. The complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further.
3. The Council will be notified of habitual or vexatious complainants.

The Clerk in consultation with the Chair and Vice Chair of the Council may also take one or more of the following courses of action as appropriate:

1. The complainant may be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
2. The complainant may be notified, 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. The complainant may also be notified that the 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.
3. The Council may decline further contact with the complainant, either in person, by telephone, by letter by e-mail or by any other means.
4. The complainant may be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
5. The Council may suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious while seeking advice or guidance from a solicitor or other relevant agency.
6. The Clerk and the Chair of the Council may invite the complainant to meet with them to discuss the matter.

Withdrawing habitual or vexatious status

Once a complainant has been determined to be habitual and/or vexatious, their status will be kept under review. There will be an opportunity if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and to have normal channels of communication restored.