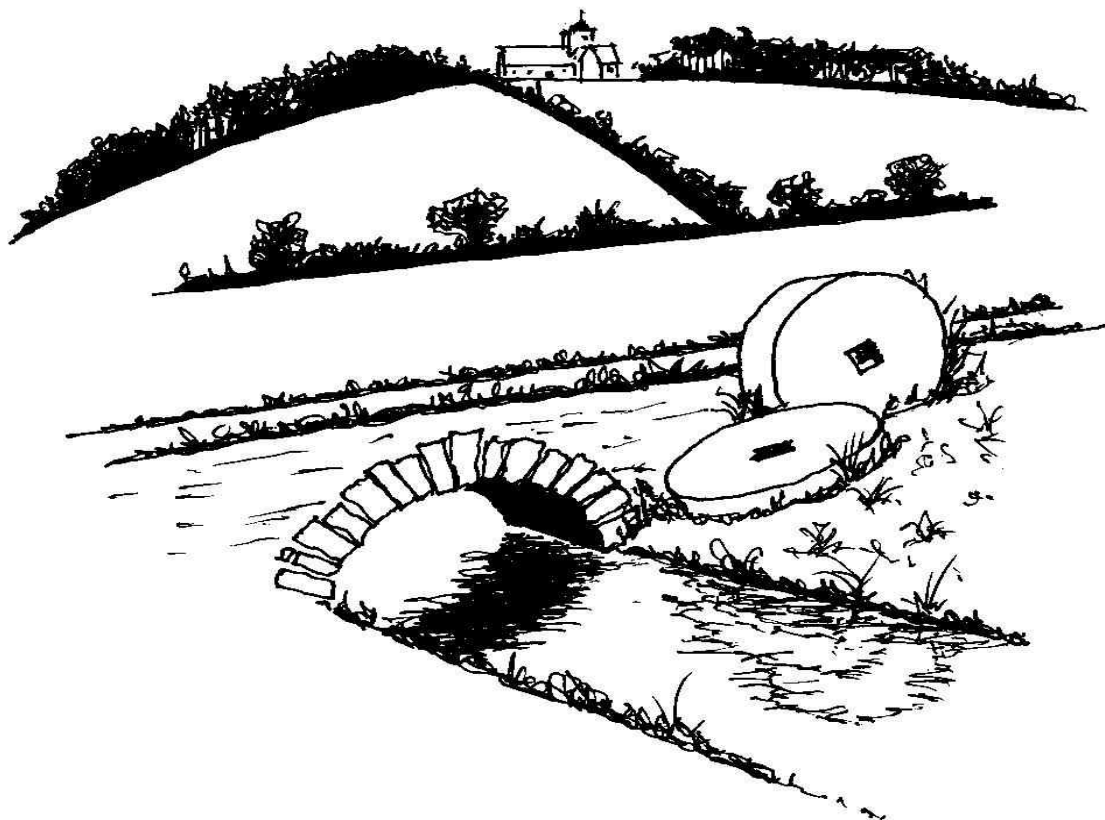


St Martha Parish Council



Complaints Habitual or Vexatious

Version	Date of Adoption	Minute Reference	Review Date	Originator
0.2			14/02/2023	JT

Complaints – habitual or vexatious

1. Definition of a habitual or vexatious complainant

1.1. 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 any of the following criteria:

Where complainants:

- a) Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
- b) 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).
- c) 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.
- d) 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.
- e) 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 judgement will be used in applying this criterion.
- f) Have threatened or used physical violence towards staff or councillors at any time. This will in itself, cause personal contact with the complainant, and their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such instances will be documented and dealt with appropriately.
- g) Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or Councillors. This may also include inappropriate methods of contact, for example, turning up uninvited at home staff or councillor's home addresses. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, or e-mail. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- h) Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or Councillors dealing with the complaint. These will be documented.
- i) Made use of an unauthorised recording of either a face to face or telephone conversation without the prior knowledge and consent of the other parties involved.
- j) Make unreasonable demands 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.

2. Procedures for dealing with habitual or vexatious complaints

2.1. Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chairman and Vice Chairman of the Council will take action as appropriate from the following:

- a) Complainants will be notified, in writing, why their complaint has been classified as habitual and/or vexatious. Complainants will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
- b) Complainants will 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. Complainants will also be notified that the correspondence is at an end, advising complainants 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.
- c) The Council will decline further contact with such complainants, in person, by telephone, by letter or by e-mail.
- d) Complainants will be informed that in extreme circumstances the Council reserves the right to seek advice from a solicitor or other relevant agency on unreasonable or vexatious complaints.

3. Withdrawing Habitual or Vexatious Status

3.1. Once a complainant has been determined to be habitual and /or vexatious, their status will be kept under review. There will be an opportunity, however, 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 normal channels of communication may be resumed.