

Habitual or Vexatious Complainants/Correspondents Policy

1.0 Introduction

1.1 The Eye Town Council, with regulatory and control functions, will, as a natural part of its business, have to deal with people who disagree with our decisions, often expressing that disagreement persistently and strongly. Lobbying for a particular point of view is an established and essential part of the democratic process. This policy is not intended to curtail activities of that kind in any way.

1.2 Another consequence of being a Town Council is that we are expected to respond to all communications received. However, there are cases, where the requests for explanations or information become unreasonable and often repetitious. There may also be a refusal to accept that this Council has either no power or duty to deal with the particular matter. Dealing with matters of this type can take up a great deal of officer time and there must come a point where more time cannot be justified as it will have the effect of preventing other legitimate matters being dealt with.

1.3 This policy identifies where a complainant/correspondent, either individually or part of a group, or group of complainants/correspondents, might be “habitual or vexatious” and ways of responding to these situations.

1.4 For the purpose of this policy the term habitual means “done repeatedly or as a habit”. The term vexatious is recognised in law and means “denoting action or the bringer of an action that is brought without sufficient ground for winning, purely to cause annoyance to the defendant”. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of contact.

2.0 Criteria for determining habitual or vexatious complainant/correspondents

Complainants/correspondents (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:

Where the complainant/correspondent:

2.1 Persists in pursuing a complaint/matter where the Council's process has been fully and properly implemented and exhausted.

2.2 Persistently change the substance of a complaint/matter or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint/matter is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint/matter as these will need to be addressed separately.

2.3 Are repeatedly unwilling to accept document evidence given to them 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.

2.4 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.

2.5 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 criteria.

2.6 Have threatened or used physical violence towards employees or members at any time. This will in itself, cause personal contact with the complainant/correspondent and /or their representative to be discontinued and the complaint/matter will, thereafter, on be continued through written communication.

2.7 Have, in the course of addressing a registered complaint/matter, had an excessive number of contact with the Council - placing unreasonable demands on employees. A contact may be in person, by telephone, email . Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.

2.8 Have harassed or been abusive verbally or in writing on more than one occasion towards employees or members dealing with the complaint/matter. This is particularly serious where the abuse is aimed personally. Employees recognise that complainants/correspondents may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some

complainants/correspondents may have a mental health disability and there is a need to be sensitive in circumstances of this kind.

2.9 Are known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of the other parties involved.

2.10 Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable: for example, insisting on responses to complaints/matters or enquiries being provided more urgently than is reasonable or within the council's recognised practice.

2.11 Make unreasonable complaints/matters which impose a significant burden on the Council and where the complaint/matter:

Clearly does not have any serious purpose or value; or

Is designed to cause disruption or annoyance; or

Has the effect of harassing the Council; or

Can otherwise be characterised as obsessive or manifestly unreasonable.

2.12 Have persisted in requesting information where the Council is precluded from responding to a request for legal reasons, e.g. the matter is the subject of claim by or against the Council and that has been explained.

3.0 **Actions for dealing with habitual or vexatious complainants/correspondents**

3.1 Where a member of staff feels one or more of the criteria in 2. Above are met, then they should discuss the matter with their Line Manager. The Line Manager will communicate with the complainant/correspondent informing them that all future correspondence will be responded to by them. In extreme cases, it could be reasonable to indicate that no further contact on the subject will be entertained from the complainant for a period, say 3 months or more.

Dated January 2024

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