# Habitual or Vexatious Complainants Policy

Adopted by Shadingfield, Sotterley, Willingham & Ellough Joint Parish Council — 20th May 2026




This policy will be reviewed every two years, or sooner if legislation or best practice changes

Next review: April 2028

# Introduction

This policy sets out how the Parish Council will identify and manage situations where individuals or groups pursue complaints or requests in a way that is unreasonable, persistent or vexatious. It applies to all forms of contact, including correspondence, Freedom of Information (FOI) requests, subject access requests, and general complaints. It is supplementary to the Council's Complaints Policy and should be read alongside it.

ⓘ This policy is a last resort. The Council will always first try to address concerns fairly and proportionately. Persistent pursuit of a complaint, or dissatisfaction with an outcome, does not alone make a complainant habitual or vexatious.

# Definitions

### Habitual

Behaviour that is repeated or persistent to the point where it becomes unreasonable, taking into account all relevant circumstances.

### Vexatious

A complaint or request pursued without reasonable grounds, intended to cause disruption or annoyance, or disproportionate or obsessive in nature.

### Definition of Complaint

For the purposes of this policy, "complaint" includes:

- General complaints about the Council or its services.
- Freedom of Information (FOI) requests.
- Subject access requests.

# When This Policy May Be Applied

No single feature will necessarily mean that a complainant is regarded as habitual or vexatious. The Council will consider the behaviour as a whole, taking into account context, frequency, and impact on Council resources. The following are examples of behaviour that may lead to this policy being applied:

### Repeated Pursuit

Repeated pursuit of issues already fully addressed through the Council's Complaints Procedure.

### Unreasonable Demands

Unreasonable demands, such as excessive contact or unrealistic expectations of outcome.

### Aggressive Behaviour

Aggressive, threatening, harassing or abusive behaviour towards the Clerk, councillors, or their families.

### Refusal to Accept Evidence

Persistent refusal to accept evidence, decisions, or explanations that have been properly provided.

### Changing Substance

Frequent changes to the substance of a complaint, or raising new unrelated issues while a complaint is being addressed.

### False Allegations

Making deliberately false or malicious allegations against the Clerk or councillors.

### Disruptive Intent

Making complaints or requests designed to cause disruption rather than resolve a genuine issue.

### Trivial Matters

Focusing on trivial matters to a degree wholly disproportionate to their significance.

### Multiple External Bodies

Pursuing a complaint simultaneously through multiple external bodies — such as other councils, Members of Parliament, the police, auditors, or solicitors — in a way that appears designed to cause disruption rather than seek genuine resolution.

### Filming or Recording

Filming or recording the Clerk or councillors outside public meetings, or during public meetings in an intentionally disruptive manner.

Under the Openness of Local Government Bodies Regulations 2014, members of the public have a legal right to film, photograph and audio-record public parish council meetings in a non-disruptive manner. Recording at a lawfully conducted public meeting is not alone a reason to apply this policy.

# Before Applying the Policy

Before designating a complainant as habitual or vexatious, the Council will:

- Make sure the complaint has been handled properly and in line with the Council's Complaints Procedure.
- Consider whether the behaviour may be linked to health, disability or personal circumstances, and whether a different approach to communication would help.
- Write to the complainant to explain which behaviour is causing concern, provide a copy of this policy, and warn them that restrictions may be applied if the behaviour continues.
- Give the complainant the chance to change their behaviour before any designation is made.
- Where the situation is complex, seek appropriate professional or legal advice.

⚠ The Clerk should tell the Chair (or Vice-Chair if the Chair is unavailable) as soon as behaviour meeting these criteria is identified, including if the Clerk feels threatened or at risk.

# Decision-Making Process

If the behaviour continues after the steps in Section 4 have been taken, the Clerk will consult the Chair and bring the matter to the next scheduled Full Council meeting.

The Council will discuss the situation and decide whether to designate the complainant as habitual or vexatious. The decision and the reasons for it will be recorded in the council minutes. Where the personal circumstances of the individual make it appropriate, the Council may exclude the public from this item under s.1(2) of the Public Bodies (Admission to Meetings) Act 1960.

The Clerk will then write to the complainant confirming:

### Reasons

The reasons for the designation.

### Restrictions

The restrictions being applied and how long they will last.

### Review Process

How the complainant can ask for a review.

### Review Timeline

That the Council will carry out a review no later than 3 months after the designation.

# Possible Restrictions

The Council may apply one or more of the following restrictions, proportionate to the behaviour:

- Limit contact to a single named point of contact (normally the Clerk).
- Restrict communication to one method (e.g. written correspondence only).
- Set limits on the times or frequency of contact.
- Decline to respond to further correspondence on an issue already fully addressed.
- Notify the complainant in writing that no further action will be taken on a specific matter.
- Temporarily suspend active engagement while seeking appropriate professional or legal advice, with written notice to the complainant.
- Refer the matter to the police or seek legal advice where behaviour may be criminal.

⊗ Where behaviour is serious enough to pose an immediate risk to the Clerk or a councillor, the Chair may apply restrictions without the usual preliminary steps. The Full Council will be informed at the next scheduled meeting.

## Statutory Rights

This policy does not remove the Council's obligations to handle FOI requests or subject access requests. These will continue to be dealt with under the relevant law and the Council's Data Protection Policy.

## Code of Conduct Complaints

Complaints about the conduct of a councillor must go to the Monitoring Officer of the relevant principal local authority. They are outside the scope of this policy.

# Duration and Review

- Restrictions will initially apply for up to 6 months.
- The Clerk will bring an update to Full Council no later than 3 months after the designation.
- If behaviour has improved, the Council may lift or modify restrictions at that point.
- If behaviour continues, the Council may extend restrictions by resolution. The complainant will be told in writing.
- The complainant may write to ask for a review at any time. This will be considered at the next scheduled council meeting and the complainant told of the outcome in writing.
- Restrictions may be lifted early if the complainant behaves more reasonably, by agreement of the Full Council.

# New Complaints from Designated Complainants

New complaints or requests from a designated complainant will be considered on their merits. The Council does not have a blanket policy of ignoring all contact from designated complainants, and any new issue that appears genuine will receive proper consideration.

# Record Keeping

The Council will keep clear records of:

- The behaviour leading to the designation, with dates and copies of relevant correspondence.
- Steps taken before designation, including any warnings given.
- The council's decision as minuted, and the letter sent to the complainant.
- Any restrictions applied and any subsequent changes.
- Reviews carried out and their outcomes.

Records will be kept in line with the Council's Data Protection Policy and Data Retention Schedule.