



## LAVENHAM PARISH COUNCIL

### Vexatious or unreasonable complainant policy

#### 1. Introduction

Lavenham Parish Council aims to provide high quality services to all of its stakeholders. When things fall short of this standard, we will deal with those who have a complaint fairly, honestly and properly through the Council's Complaints Procedure. This policy identifies situations where a complainant, either individually or as part of a group of complainants, might be 'habitual or vexatious' and how the Council will respond in these situations.

Most complainants pursue their complaints in a reasonable and acceptable manner. A very small minority, however make unreasonable complaints which impose a significant burden on the resources of the Council and where the complaint:

- clearly does not have any serious purpose or value.
- is designed to cause disruption or annoyance.
- has the effect of harassing the Council.
- can otherwise be fairly characterised as repetitious, obsessive or manifestly unreasonable.

Determining that a complainant is vexatious is a very serious matter and Council will only be asked to consider this action in rare circumstances. Vexatious or unreasonable or repetitious complaints can disrupt the normal functioning of Council. This leads to impairment of other important tasks and actions to maintain or improve the service to residents. These circumstances almost always lead to increased management costs.

This policy reflects the Guidance note on 'unreasonably persistent and unreasonable complainant behaviour' issued by the Local Government & Social Care Ombudsman ('the Ombudsman').

#### 2. Definition of unreasonable complainant behaviour

The following, non-exhaustive list, sets out examples of actions or behaviours of unreasonable, unreasonably persistent, or vexatious complainants which may cause the policy to be invoked.

1. Refusing to specify the grounds of a complaint, despite offers of help.
2. Refusing to cooperate with the complaints investigation process.
3. Refusing to accept that certain issues are not within the scope of a complaints procedure.

4. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
5. Making unjustified complaints about Councillors or the Clerk who are trying to deal with the issues and seeking to have them replaced.
6. Changing the basis of the complaint as the investigation proceeds.
7. Denying or changing statements made at an earlier stage.
8. Introducing trivial or irrelevant new information at a later stage.
9. Raising many detailed but unimportant questions, and insisting they are all answered.
10. Submitting falsified documents from themselves or others .
11. Adopting a 'scatter gun' approach: pursuing multiple complaints on similar issues, which may also involve other organisations.
12. Making excessive demands on the time and resources of the Council with lengthy phone calls, emails to numerous Councillors or the Clerk, or detailed letters every few days, and expecting immediate responses.
13. Submitting repeat complaints with minor additions/variations and insisting these are treated as 'new' complaints.
14. Electronically recording meetings and conversations, where the complainant has no right to do so, and without the prior knowledge or consent of the other persons involved.
15. Refusing to accept the decision; repeatedly arguing points with no new evidence.
16. Using derogatory language about the Clerk, Councillors or other persons or contractors or those providing a service, or repeatedly adopting a belligerent or unduly critical tone about individuals, in discussion or correspondence.
17. Refusing or failing to cooperate with reasonable arrangements made (or suggested) to manage complaints correspondence.
18. Seeking to encourage Councillors, the Clerk or those contractors to comment on each other's statements or decisions, or to criticise each other.
19. Using social media to make unfounded allegations against the Council, its Clerk or Councillors.
20. Seeking unrealistic outcomes.

### **3. Procedures for dealing with habitual or vexatious complainants**

If a complainant threatens or uses physical violence towards staff or members at any time – this will cause personal contact with the complainant, and /or their representatives to cease immediately and contact between the Council and the complainant will thereafter, only be continued through written communication. All such instances will be documented.

Where complainants have been identified by the Clerk in agreement with the Chair and/or Vice Chair as potentially habitual or vexatious in accordance with the criteria set out in (2) above or any other action which the Clerk and Chair and/or Vice-Chair consider could be vexatious, the following actions will be taken:

1. The complainant 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. The complainant will also be notified that Council will consider whether to decline further communication from the complainant.
2. The Clerk will prepare a report for Council notifying the incidence of a habitual or vexatious complainants at the earliest possible opportunity, usually at the next meeting of the Council.
3. This report will recommend to Council one of the possible outcomes in Table 1:

**Table 1**

Status	Sanction	Formal Review by Council
For those on the electoral register for the Parish of Lavenham	To cease all personal communication between the Council and resident for a period of 3- 6 months	At the Council meeting one month before expiry of the period of sanction
	Should there be a recurrence of vexatious behaviour during or after a first sanction to cease all personal communication for 6- 12 months	At the Council meeting one month before expiry of the period of sanction
	Should there be a recurrence of vexatious behaviour after a second period of sanction, all personal communication will cease until the end of the Council term	In Month 2 of a new Council term
For non-residents of Lavenham Parish	To cease all further personal communication until the end of the Council term	In Month 2 of a new Council term

4. The complainant will be notified in writing that their complaint has been classified as vexatious and given the reasons for this decision.
5. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
6. There is no channel for appeal against decisions of the Council associated with this policy.

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#### **Document control**

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