



Holybrook Parish Council

Proudly serving the residents of Holybrook Parish since 2000

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Policy on Dealing with Abusive, Persistent or Vexatious Complaints

1. Introduction

1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

1.2 Holybrook Parish Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

1.3 The Council will not normally limit the contact which complainants have with council staff or offices.

1.4 The Council does not expect Councillors or staff to tolerate unacceptable behaviour by complainants, or any resident. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive, aggressive, threatening, abusive or foul language on the telephone, face-to-face, by letter, Fax, email, text, etc
- Any form of intimidating, threatening, aggressive or abusive behaviour
- The same or very similar complaints are repeated after a final response has been given
- There are excessive contacts (calls, emails, letters) that place a strain on Council resources
- The complainant refuses to accept evidence, outcomes, or reasonable explanations
- The complainant changes the basis of the complaint without justification during the process
- There is a refusal to work within the Council's complaint process or requests unreasonable actions

1.5 The Council will always distinguish between behaviour that is difficult due to distress or frustration, and behaviour that is truly unacceptable. However, the Council will take action to protect staff and councillors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, the Council will follow this policy.

1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example, if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it should not necessarily cause them to be labelled unreasonably persistent.

2. Aim of this policy

2.1 The aim of this policy is to contribute to the Council's overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how the Council will decide which complaints will be treated as vexatious or unreasonably persistent, and what the Council will do in those circumstances. The Policy is for the information of staff, Councillors and residents.

3. Definitions

3.1 The Council has adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"

3.2 The Council define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the Council, hinder the Council's consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of the Council's decision about the complaint.

3.4 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

- The complaint lacks substantive grounds and continues to be pursued in a manner that places unreasonable demands on Council resources, without offering new information or avenues for resolution;
- there are no specified grounds for the complaint;
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- the complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this;
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair);
- there appears to be groundless complaints about the staff or councillors dealing with the complaints, and an attempt to have them dismissed or replaced;
- there is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints;
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls, texts, emails, etc);
- attempts to harass, verbally abuse or otherwise seek to intimidate staff or councillors dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language;
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on;
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
- the complainant denies statements they made at an earlier stage in the complaint process;
- the complainant electronically records meetings and conversations without the prior knowledge

and consent of others involved;

- the complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the Council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the Councils independent auditor, the Monitoring Officer or Standards Committee, the Police, solicitors, and/or the Local Government Ombudsman;
- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
- the complaint remains “active” through the complainant persisting in seeking an outcome which the Council has explained is unrealistic for legal, policy or other valid reasons;
- documented evidence is not accepted as factual by the complainant;
- the complaint relates to an issue based on a historic and irreversible decision or incident;
- the complaint combines some or all of these features.

4. Imposing restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure.

4.2 In the first instance the Clerk investigating the complaint will consult with their Chair, or the Vice Chair in their absence, prior to issuing a warning to the complainant. The Clerk will contact the complainant either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Parish Council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with the Monitoring Officer or other member of the Parish Council's legal team if they so wish.

4.4 Any restriction that is imposed on the complainant's contact with the Parish Council will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. In most cases, restrictions will apply for between three and six months, after which the complainant will be contacted to confirm whether the restriction will be lifted, extended or modified. Reviews will be conducted quarterly and complainants will be informed of outcomes in writing.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf;
- Banning the complainant from sending emails to individual councillors and/or all council officers and insisting they only correspond by letter;
- Requiring contact to take place with the Clerk only;
- Restricting telephone calls to specified days/times/duration;
- Requiring any personal contact to take place in the presence of an appropriate witness;
- Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence);
- Informing the complainant that any further complaints from them will only be considered if the Clerk agrees that it warrants investigation.

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the Parish Council has taken the decision,
- what action the Parish Council is taking,
- the duration of that action,
- the review process of this policy, and the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.

4.7 The Clerk will enclose a copy of this Policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into their complaint.

4.9 Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff or councillors, the Parish Council will consider other options, for example, reporting the matter to the Police or taking legal action. In such cases, the Parish Council may not give the complainant prior warning of that action.

4.10 The Parish Council does not have a legal duty to respond to those members of the public who are not Holybrook parishioners. The Parish Council will consider this fact when receiving complaints or communications as described in this policy in terms of whether they are or are not a parishioner of Holybrook.

4.11 Before restrictions are applied, the Council will consider whether the complainant has a disability, mental health condition, or other vulnerability that may contribute to the behaviour described. In such cases, the Council will seek advice (if appropriate) and may make reasonable adjustments in line with the Equality Act 2010. The aim is to support access to fair complaints handling wherever possible.

4.12 Complainants will be informed of their right to request a review of any restrictions imposed under this policy. Such requests should be submitted in writing and will be considered by the Chair of the Council or an appointed panel of councillors not previously involved in the matter. The outcome of this review will be provided within 20 working days.

5. New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Parish Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6. Record keeping

6.1 Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:

- The name and address of each resident who is treated as abusive, vexatious or persistent;
- When the restriction comes into force and ends
- What the restrictions are
- When the resident and the Council were advised

6.2 The complainant will be advised that information relating to their status under this policy will be kept in accordance with the UK GDPR and Data Protection Act 2018. This includes:

- A clear statement of the reason for the designation;

- Details of any restrictions applied and review dates;
- Information on who will have access (limited to those managing complaints).

Data will be reviewed annually and retained no longer than is necessary for the purpose it was collected.

Original Copy	Date of review approval	Version number	Date of next review
24 th April 2023	12 th May 2025	V2	May 2026