

Radway Parish Council

Vexatious Complaints Policy

Update Schedule

	Adoption date
Approved by Radway Parish Council	28 th May 2026
Next review due May 2027	

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1) Introduction

Radway Parish Council does not tolerate bullying, harassment or intimidation, in any form, of any of their employees or Councillors. This applies to such behaviour from members of the public and Parish Council employees/Councillors alike. A small percentage of people may correspond with or complain to the Council in a way that could be described as obsessive, harassing, bullying, intimidating or abusive.

2) The Purpose of This Policy

This policy identifies situations where a complainant, either individually or as part of a group might be considered to be habitual or vexatious. Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of time. The Council endeavours to respond with patience and sympathy to the needs of all complainants but it recognises there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

For the purpose of this policy habitual or vexatious complaints are regarded as the repeated and obsessive pursuit of unreasonable complaints and unrealistic outcomes or pursuing reasonable complaints in an unreasonable manner.

3) Harassment

Under the Protection from Harassment Act 1977 s1 (1)

A person must not pursue a course of conduct-

- (a) Which amounts to harassment of another, and
- (b) Which they know or ought to know amounts to harassment of the other.

Such action can be:

- Physical conduct;
- Verbal conduct;
- Non-Verbal conduct.

4) Bullying

The Council defines bullying as a pattern of offensive, intimidating, malicious, insulting, humiliating behaviour intended to undermine an individual or group, gradually and as a consequence eroding their confidence and capability possibly with the intention to force them to resign and this will not be tolerated.

Such behaviour may also be designed to annoy and/or create extreme workload for a Parish Council which normally employs part-time officers and to meet only 6 times a year as a full Council.

Such behaviour might also be designed to cause extreme distress.

Such behaviour might be repetitious.

Such behaviour from a minority of individuals can take up a disproportionate amount of limited Council resources and can affect the Parish Council's ability to do its work and provide a service to the community and can result in unacceptable stress for the Clerk and Councillors.

5) Defining Vexatious or Unreasonably Persistent Complaints

Under the Freedom of Information Act 2000 Section 14 (10), public authorities do not have to comply with vexatious requests.

The Council has a legal duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and Councillors/members,

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or
- Behaviour which is designed to cause extreme distress, bully, humiliate and intimidate specific individuals and the Corporate Body and/or
- Frequent correspondence or correspondence timed to cause the Council maximum disruption and workload and/or
- Behaviour which displays an insistence on pursuing unmeritorious issues, trivial points and/or unrealistic outcomes beyond all reason and/or
- Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner and/or
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation, and/or
- Behaviour where ex-employees or Councillors are contacted to try to undermine the current Councillors or employee of the Council and/or
- Behaviour which has the effect of hindering the Council's ability to go about its democratic business due to the significant workload generated.
- Behaviour where the aim is to character assassination.
- Behaviour characterised by a refusal to accept the issues raised are not within the power of the Council to investigate, change or influence.

6) Vexatious or Abusive Complaints/Freedom of Information Requests

Most complainants or people making Freedom of information Requests behave in legitimate ways. A very small minority make complaints /requests that are vexatious, in that they persist

unreasonably with their complaints/requests or make complaints/requests in order to make life difficult for the Parish Council or to subvert the legitimate business of the Council.

It is not necessary to meet a person's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often with the same complaint.

If the person's persistence adversely affects the Council's ability to do its work, the Parish Council needs to address such behaviour.

7) Use of this Policy

In the first instance, where the Clerk is of the view that complaints, requests or persons could be identified as vexatious, the Clerk will refer the matter to the Chair. With the Chair's agreement, the complainant will be contacted in writing (including by email), with a copy of the policy, explaining why the behaviour is causing concern and ask them to change this behaviour.

The notification correspondence will be copied to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

If the behaviour persists and the Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious or unreasonably persistent, they should refer it to Council under closed session.

- In exceptional circumstances (for example significant time until the next available meeting), the policy can be triggered by email consultation with a quorate (3) minimum of Councillors including the Chair or Vice-Chair. In the event of a split vote, the Chair or Vice-Chair will have the deciding vote.

If the Council agrees with the assessment, it should prepare a brief statement of why it considers the complaint or correspondence to be vexatious, including its effect upon the Clerk, Councillors and/or Parish. This should be accompanied by a report for the Council showing the effects and resource impact, and, if resources allow, information about the related correspondence via email, telephone and letter, including information about whom the correspondence was addressed to, who it was copied to, and a brief description of each piece of correspondence.

Vexatious complaints/requests may be dealt with in one or more of the following ways/sanctions:

- In an email or letter, setting out a code of commitments and responsibilities for the party/parties involved if the Parish Council is to continue processing the complaint/request. If these terms are contravened, consideration will then be given to implementing other actions as indicated below.

- Decline contact with the complainant, either in person, by telephone, email or any combination of these for twelve months, provided that one form of contact is maintained which will usually be by conventional post, i.e. letter.
- Being permitted to only communicate with one nominated member of the Council or staff.
- Notify the complainant/requestor in writing that the Council has responded to the points raised and tried to resolve the complaint/request but there is nothing more to add and continuing contact on the matter will service no useful purpose. The complainant/requestor will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint/request.
- Inform the complainant/requestor that the Council intends to seek legal advice on unreasonable or vexatious complaints/requests and behaviour.
- Temporarily suspend all contact with the complainant/requestor in connection with the issues relating to the complaint/request being considered for a period of 3 months (with reinstatement of contact following that period if agreed by the Council).
- Where the behaviour is so extreme or it threatens the immediate safety and welfare of Councillors or staff this will be reported to the police and the complainant notified accordingly.

There is no route to appeal sanctions.

Review of Sanction/s:

At the following full Parish Council meeting, which occurs six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The Council, with reference to evidence from the Clerk, should consider whether there has been any improvement in the vexatious behaviour in that time. The Clerk should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

8) Residents of the Parish

If the complainant is a local resident of the Parish, the notification letter should state which sanction the Council has imposed. They should advise that the decision will be reviewed by the Council in six months from the date of the letter advising them that the complaint/correspondence has been determined to be vexatious. The District and County Councillors will be informed that a constituent has been designated as an unreasonably persistent or vexatious complainant.

Any restrictions will be appropriate and proportionate to the nature of the person's contact with the Council.

In closing the investigation into a complaint, the Council may consider:

- Refusing to register and process further complaints/requests providing the person with acknowledgements only.
- Banning a person from the location of the Council meeting.
- Involving the Police where the person has committed, or threatened to commit a criminal offence (harassment, assault, or criminal damage), or if the complainant/requestor refuses to leave the location of the Council meeting.

There is no route of appeal against the decision that a complaint or correspondence is vexatious.

9) Non-Residents of the Parish

If the complainant(s) does not reside in the Parish, they will be advised that all future correspondence will be ignored and left unread.

There is no route of appeal against the decision that a complaint or correspondence is vexatious.

10) Persistent Communication on the Same Matter from Multiple Complainants.

If the persistent communication on one matter is from four or more complainants, rather than from one complainant, the Clerk or Councillors identifying the behaviour will draft a standard response to all further communication on that matter. As no sanctions are being imposed, this action can be triggered without approval at a full Council meeting.

11) Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- When the restricts came into force and ends
- What the restrictions are
- When the person and the Council were advised

Full Parish Council will be provided with an annual report giving information about members of the public who have/are been treated/being treated as vexatious/persistent as per this policy.