

Vexatious Complainant Policy

Thurston Parish Council



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Vexatious Complainant Policy

Introduction

Thurston Parish Council is committed to providing services in a fair, open and transparent manner and welcomes feedback, concerns and complaints from residents and service users. The Council recognises that complaints are an important part of improving services and will investigate and respond to them in accordance with its Complaints Policy.

The Council expects all interactions to be conducted in a respectful and reasonable manner. While most complaints can be resolved through normal procedures, there may occasionally be circumstances where an individual's behaviour becomes unreasonable, persistent or vexatious and places a disproportionate demand on Council officers, councillors or resources. In such cases, the Council may need to take proportionate steps to manage communications while ensuring that legitimate concerns continue to be properly considered.

This policy will be applied only in exceptional circumstances and as a last resort, after reasonable efforts have been made to resolve the matter and with due regard to the Council's duty of care towards its staff, councillors and volunteers.

1. Purpose of the policy

- 11.1. Complaints are handled fairly and consistently
- 11.2. The Council and its staff are protected from persistent or abusive behaviour
- 11.3. Council resources are used effectively
- 11.4. Members of the public retain appropriate access to Council services

2. Scope

- 2.1. Complaints are handled fairly and consistently
- 2.2. The Council and its staff are protected from persistent or abusive behaviour
- 2.3. Council resources are used effectively
- 2.4. Members of the public retain appropriate access to Council services
- 2.5. This policy applies to any individual or organisation whose repeated complaints or correspondence place a disproportionate burden on the Council
- 2.6. The policy applies to communication received through any channel including but not limited to, letters, emails, phone calls, social media and face-to-face contact

3. Standards of behaviour when contacting The Council

- 3.1. The Council expects all communication with The Council and its staff to be respectful.
- 3.2. Abusive, threatening, discriminatory or intimidating behaviour will not be tolerated.

3.3. Individuals contacting the Council are expected to:

- 3.3.1. Communicate respectfully
- 3.3.2. Allow reasonable time for responses
- 3.3.3. Follow The Council's published procedures
- 3.3.4. Focus on the issue being raised

4. Defining a vexatious complainant

4.1. A vexatious complainant is a person whose behaviour places a disproportionate burden on The Council through persistent complaints or correspondence.

4.2. Behaviour may be considered vexatious where it includes one or more of the following:

- 4.2.1. Repeatedly raising the same issue after it has been addressed
- 4.2.2. Refusing to accept the outcome of a complaint investigation
- 4.2.3. Submitting excessive or repetitive correspondence
- 4.2.4. Making frequent demands for responses within unreasonable timescales
- 4.2.5. Making unfounded allegations against The Council or staff
- 4.2.6. Copying correspondence to many recipients to pressure The Council
- 4.2.7. Sending repeated requests for information without clear purpose
- 4.2.8. Repeatedly contacting several members of The Council or staff about the same issue

4.3. When assessing whether behaviour is vexatious, The Council will have regard to the Information Commissioner's Office (ICO) guidance. This includes consideration of the burden placed on The Council, the purpose and value of the complaint, any distress, harassment or disruption caused to The Council or its staff, and the wider context and history of the individual's contact with the Council.

5. Formal decision and notification

- 5.1. If the Clerk or The Council believe behaviour may be vexatious, they will review the available evidence
- 5.2. The Clerk will consult the Chair of The Council before determining whether a complainant may be acting in a vexatious manner
- 5.3. The Council will attempt to resolve concerns informally before applying this policy where possible

6. Warning stage

- 6.1. If behaviour continues The Council may issue a written warning
- 6.2. The warning will explain:
 - 6.2.1. The behaviour causing concern
 - 6.2.2. The standards of behaviour expected
 - 6.2.3. The possible action if the behaviour continues

7. Formal determination of vexatious status

- 7.1. If behaviour continues after a warning, the Council may determine that the complainant is acting in a vexatious manner

- 7.2. The decision will normally be made by the Clerk in consultation with the Chair of The Council
- 7.3. The complainant will receive written confirmation of the decision and the reasons for it

8. Managing contact with a vexatious complainant

- 8.1. Where a complainant has been determined to be vexatious The Council may apply proportionate restrictions.
- 8.2. These may include:
 - 8.2.1. Requiring communication to be directed through a single point of contact
 - 8.2.2. Restricting communication to written correspondence
 - 8.2.3. Limiting the frequency of communication
 - 8.2.4. Declining to respond to matters that have already been addressed
 - 8.2.5. Ending telephone calls or meetings where behaviour becomes abusive
- 8.3. The Council will continue to consider any new issues raised that are not vexatious

9. Review of the decision

- 9.1. The Council will review decisions made under this policy after six months
- 9.2. A complainant may request a review of the decision in writing
- 9.3. If behaviour has improved The Council may remove the restrictions
- 9.4. If behaviour has not improved the restrictions may remain and reviewed again after a further six months
- 9.5. Where appropriate, the Clerk may extend the review period to 12 or 18 months where no improvement, or an increase in contact, is identified
- 9.6. Where a complainant remains dissatisfied, they will be advised of their right to approach the Local Government and Social Care Ombudsman (LGSCO)
- 9.7. If vexatious status is withdrawn, normal contact and The Council's Complaints Procedure will resume, and the complainant will be notified in writing

10. Relationship with other Council policies

- 10.1. This policy should be read alongside:
 - 10.1.1. Complaints Procedure
 - 10.1.2. Code of Conduct
 - 10.1.3. Data Protection and GDPR policies
 - 10.1.4. Freedom of Information and Publication Scheme policies
 - 10.1.5. Meeting procedures and public participation policies

11. Record Keeping

- 11.1. The Council will keep appropriate records of complainants identified as vexatious and the actions taken under this policy
- 11.2. Records will be maintained in line with this policy, The Council's data protection and records management policies, and in accordance with GDPR and the Data Protection Act 2018

12. Policy Review

- 12.1. This policy will be reviewed annually to ensure it remains effective and reflects current guidance

13. Sources of Guidance

- 13.1. Information Commissioner's Office on vexatious requests and information rights
- 13.2. Local Government and Social Care Ombudsman on managing unreasonable complainant behaviour
- 13.3. National Association of Local Councils governance guidance for parish and town councils
- 13.4. Local Government Association best practice on complaints handling in local government

End of policy

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