

Compton Martin Parish Council

Habitual and Vexatious Complaints Policy

Compton Martin Parish Council will endeavour to deal with complaints in an efficient, equitable and effective manner through the agreed Complaints Policy and Procedure. The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.

The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

Guidelines

- In this policy the term habitual means “done repeatedly or as a habit” and, the term vexatious means “an action brought for the purpose of annoying the opponent and with no reasonable prospect of success”.
- Councils must try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.
- Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

Procedure

1. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with according to the council’s complaints procedure.
2. The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.
3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may bring a representative. The council should give appropriate support (e.g. special needs) to the complainant in choosing representative etc.
4. The Chairman/Vice Chairman must:
 - Listen to the grievance/complaint
 - Assure the complainant of confidentiality with personal details
 - Carefully explain what action the council has taken within its remit to resolve the complaint
 - Offer any relevant support about the complaint’s procedure to the complainant
 - Suggest complaint routes available if complaint is outside the council’s remit
 - Explain how the complainant’s actions are of concern but are hampering the complaints procedure
 - Explain what actions the council may take
 - Seek an assurance that the persistent/unreasonable nature of complaint will be addressed
 - The outcome and relevant details of the meeting should be noted.

Decision

If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.

The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.

The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act 2018 and any subsequent legislation.

The Clerk must notify all councillors and members of staff as appropriate.

Any new complaint from any person who has come under the policy must be treated on its merit.

Review

Any decision taken under Section 4 should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.