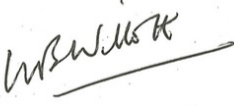


# RAGLAN COMMUNITY COUNCIL

## Habitual or Vexatious Complainants Policy

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Approved	 <p data-bbox="874 1796 1361 1863">Brian Willott (Chair of Raglan Community Council)</p>
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# Raglan Community Council

## Habitual or Vexatious Complainants Policy

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## Habitual or Vexatious Complainants Policy

### **1 Introduction**

This policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

In this policy the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts on behalf of the Community Council or by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

Habitual and / or vexatious complainants can be a problem for the RCC Clerk and Members. The difficulty in handling such complaints can place a strain on time and resources. Whilst the Community Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

### **2 Scope of this policy**

The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways that are demonstrably consistent, fair and reasonable.

This policy shall only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under our Concerns and Complaints Policy<sup>1</sup>. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

### **3 Definition of Habitual or Vexatious Complainant**

A complainant (or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they meet any or all of the following criteria, dependent upon degree:

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<sup>1</sup> RCC\_DOC\_001 – Concerns and Complaints Policy

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- a) Persist in pursuing a complaint where the Community Council's Concerns and Complaints Policy has been fully and properly implemented and exhausted.
- b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response<sup>2</sup>.
- c) Are unwilling to accept documented evidence of action.
- d) Are unwilling to accept that the Community Council has reached a final decision on a chosen course of action.
- e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- f) Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
- g) Do not clearly identify the precise issues that they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Council to investigate.
- i) Have threatened or used physical violence towards the Clerk or Community Councillors at any time.
- j) Have harassed or been personally abusive or verbally aggressive on more than one occasion towards the Clerk or Community Councillors dealing with the complaint. All instances of harassment, abusive or verbally aggressive behaviour will be documented.

### **4 Strategy for Dealing with Habitual or Vexatious Complainants**

Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Community Council, will determine what action to take.

When the decision has been taken to apply this policy to a complainant, the complainant will be contacted in writing to:

- Explain why we have taken the decision
- Explain what action we are taking, and the duration of that action
- Provide a copy of this policy, and highlight the review process

Where a complainant continues to behave in a way that is unacceptable, the Community Council, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint. Where the behaviour is so extreme or it threatens the immediate safety and welfare of the Clerk or Community Councillors, the Community Council will consider other options, such

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<sup>2</sup> Care must be taken not to discard any new issues that are significantly different from the original complaints.

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as reporting the matter to the police or taking legal action. In such cases, prior warning of that action may not be given to the complainant.

### **5 Reviewing decisions**

Once a complainant has been determined, as habitual or vexatious such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

Complainants also have an opportunity to have their habitual or vexatious status withdrawn. The Community Council will review their decisions to categorise a complainant as habitual or vexatious at least every six months. If the Community Council considers it is appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the Concerns and Complaints Policy will be resumed. Notice of that decision will be supplied to the person or persons forthwith.