

Persistent and Vexatious Complaints Policy

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Persistent and Vexatious Complaints Policy

1. Purpose

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

It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of Havant Borough Council staff, partner organisations and councillors, as well as customers and sets out a clear and fair process for dealing with these situations.

2. Scope

Havant Borough Council (“the Council”) are committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible as per the Council’s Complaints Policy (*include link once approved*). As part of this process the Council does not normally limit the contact that customers have with its officers.

However, a very small minority of residents make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to unnecessarily aggravate the Council rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters or continuing to raise the same or similar matters repeatedly. Their method and frequency of contact with the Council can hinder the efficient consideration of their complaints and the ability of officers to provide a satisfactory outcome. Some individuals may also display threatening and abusive behaviour or harassment when contacting the Council.

This policy covers ‘unreasonable complainant behaviour’, which may include one or two isolated incidents, as well as ‘unreasonably persistent behaviour’, which is usually a build-up of incidents or behaviour over a longer period.

This policy will only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints through the Council’s complaint process.



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This policy does not cover complaints that are covered by other legislation/rules, such as: Vexatious and Requested Requests or Manifestly Unreasonable under Freedom of Information Act 2000 and Environmental Information Regulations 2004

3. Definition of a Persistent and Vexatious Complaint

A persistent complaint is defined as someone who continually makes contact with the Council to request a review of a regular complaint issue. This may also include offensive, rude, aggressive, discriminatory or abusive behaviour or comments during contact.

A vexatious complaint is one where, on the facts of the case, it has little merit or substance and has been made with the intended consequence of distress or harm to either the individual receiving the complaint, or the subject of the complaint (where they are different individuals).

4. Examples of Unreasonable Actions and Behaviours

These are some of the actions and behaviours which organisations often find problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of the complaint's procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.



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- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue across the organisation and/or with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations insisting they are made 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Making recordings of conversations or mobile phone videos of Council Officers without good reason and without gaining permission of the officer first.
- Putting, or threatening to put information on social media or websites which includes personal information of employees without their consent and/or making defamatory statements about employees online.

5. Unreasonable Complainant Conduct

The Council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

Our Officers manage several complaints at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their or other people's, complaints and their day-to-day duties as an Officer. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

In most instances when we consider someone's behaviour is unreasonable, we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with the Council.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we may report the matter to the police and/or consider taking legal action. In such cases, we may not give the complainant prior warning.

6. Considerations to take into account before restricting access to the Council

Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:



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- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior officer in order to seek a mutually agreeable resolution.
- If it is known or suspected that the complainant is vulnerable or has any special needs then we will consider offering an independent advocate who may assist the complainant with their communication with the Council.
- Where more than one service is being contacted by the complainant, agree a cross service approach; and designate a lead officer to be the single point of contact and to co-ordinate the Council's response.

Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

7. Restricting Access to the Council

An Executive Head of Service and the Monitoring Officer will decide whether the circumstances justify any restrictions of access. They will record the reason for their decision and explain it to the person concerned. They will state how long any restrictions will apply before it is reconsidered.

Example of the sort of restrictions imposed could include (this list is not an exhaustive list):

- Restricting telephone calls to specified days and limited times
- Limiting contacts to one form only (for example, a maximum of one letter or email a week)
- Requiring contact to take place with one named Officer or the single point of contact
- Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
- Managing contact with the help of an independent advocate

Other suitable options will be considered in the light of the complainant's circumstances.

Our objective wherever possible, is to complete consideration of the complaint on its merits in a managed way.

The complainant will receive a copy of this policy with a covering letter explaining that the policy has been applied and how it will affect their contact with the Council. The letter will include:

- Why this decision has been taken
- What action the Council will be taking
- The duration of that action
- The review process of this policy



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If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

A complainant can appeal a decision to restrict contact by referring the matter to the Local Government and Social Care Ombudsman – www.lgo.org.uk

8. Terminating access to the Council's complaint service

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigations into their complaint.

9. New Complaints

A new complaint from someone whose behaviour has previously been deemed unreasonable will be treated on its merits. An Executive Head of Service and/or the Monitoring Officer will decide whether any restrictions which have applied before are still appropriate and necessary in relation to the new complaint. The Council do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.

10. Review

We will review this policy at least once every two years. We will also occasionally seek feedback from complainants about the process to make sure that you are being treated fairly and complaints are dealt with professionally.



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Version control record

Version number	Date	Author / reviewer	Comments / changes
0.1	Nov 24	Janice Newman	Amended to stand alone policy
1.0	27/01/25	Governance Committee	Approved

