

## ***Policy C4***

# **Complaints Procedure and dealing with Frivolous, Persistent and Vexatious Complainants**

*Adopted 2010, Updated 2012, reviewed 2013, revised 2017, February 2019, revised June 2022*

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### **On receiving a complaint**

A complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Council.

The Clerk or Chairman shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by a committee established for this purpose. The complainant should also be advised whether the complaint will be treated as confidential.

The complainant shall be invited to attend a meeting and to bring with them a representative.

No fewer than seven clear working days prior to the meeting, the complainant will provide the Council with copies of any documentation or other evidence. The Council shall then provide the complainant promptly with copies of any documentation on which they wish to rely allowing the claimant the opportunity to read the material in advance of the meeting.

### **At the Meeting**

The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. The decision shall be announced in public.

The Chairman should introduce everyone and explain the procedure.

The complainant (or a representative) should outline the grounds for complaint and then, questions may be asked by the Clerk and by members.

The Clerk or Chairman will have an opportunity to explain the Council's position and questions may be asked by the complainant and by members. Afterwards, the Clerk or Chairman and then the complainant will be offered the opportunity to summarise their positions.

The Clerk, any subject(s) of the complaint and the complainant will be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

The complainant should be given the opportunity to wait for the decision but, if the decision is unlikely to be finalised, it should be communicated in writing within seven working days together with details of any action to be taken.

The Council will issue a final response letter to a complainant after the Parish Council complaints procedure has been completed. At this point the Parish Council will no longer engage in any further communication with the complainant on the same issue unless agreed by a further resolution of the Council. Any further complaints for the same issue will be considered a frivolous, persistent, and vexatious complaint.

## **Frivolous, Persistent and Vexatious Complaints**

In implementing this Policy, the Council will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act (1998) in order to protect the human rights of both the persistent complainant and other service users and employees.

In identifying frivolous or vexatious complaints, the Council will be careful not to prevent complainants who are raising genuine concerns from complaining. We will achieve this by recognizing that:

Complainants may often be aggrieved, frustrated, or have other reasons for their behaviour. Therefore, the focus must be on a careful consideration of the merits of the case with every complaint considered on its own merits.

If someone has made a frivolous or vexatious complaint in the past, it must not be assumed that any other complaint they make will also be frivolous or vexatious.

The Council will refuse to accept a complaint where it is readily apparent that the complainant is pursuing a complaint which is entirely without merit and is made with the intention of causing inconvenience, harassment or expense to the Parish Council, its employees, or representatives.

Should the Council decide that a complaint is vexatious in nature the Parish Clerk can at his/her discretion refuse further communication with the complainant on that issue.

Examples of vexatious complaints include, but are not limited to the following examples:

A complainant raises a new dispute with the Council every few weeks or repeatedly regarding the same issue. Such disputes may include issues regarding a complaint that the Council has already provided a reasonable resolution or response to, and where the only reason for raising the disputes so frequently is to inconvenience the Council or because the complainant disagrees with the response they have received.

A complainant is aware that his/her complaint has no merit, but he/she advises the Council that they will raise a dispute with the Council just to cause it to incur a financial cost or inconvenience.

The Parish Council may refuse to deal with a dispute if it is frivolous or vexatious. The decision to reject a complaint on this basis is at the sole discretion of the Council.