



CWMAMAN TOWN COUNCIL HABITUAL OR VEXATIOUS COMPLAINANTS' POLICY

Adopted February 2026

Review February 2027

Policy Statement

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 Council staff and members by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 2018, and the Environmental Information Regulations 2004, and reference to the complaint's procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and / or vexatious complainants can be a problem for the Council staff and Members. The difficulty in handling such complaints can place a strain on time and resources. Whilst the 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.

Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the Council's complaints procedure. However, it is not necessary for a complaint to have become a level 3 complaint before this policy can be invoked. 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.

The policy should only be invoked following careful consideration of all the issues by the Town Clerk in consultation with relevant Member(s). If the complaint is principally or to a reasonable degree against the Community Clerk then the matter will be referred to a relevant Committee for consideration. The decision must be reported to the Council.

Definition of Habitual or Vexatious Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and / or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- (a) Persist in pursuing a complaint where the Council's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided).
- (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. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints.
- (c) Are unwilling to accept documented evidence of action.
- (d) Are unwilling to accept that the Council has reached a final decision on a chosen course of action.
- (e) Deny receiving an adequate response despite 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 which 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) Focus on a trivial matter to an extent which it is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criterion.
- (j) Have while addressing a complaint, had an excessive number of contacts with the Council placing unreasonable demands on staff and members time. A contact may be in person or by telephone, letter, e-mail or via social media comments or direct messaging. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.
- (k) Have threatened or used physical violence towards staff and members at any time – this will, cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. Cwmaman Community Council has determined that any complainant who threatens or uses actual physical violence

towards staff and members will be regarded as a vexatious complainant and will receive written confirmation of the same from the appropriate the Town Clerk. This will also inform the complainant of the action to be taken regarding any further communication received.

- (l) Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff and members dealing with the complaint. Staff and members recognise, however, that complainants may be sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.
- (m) Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- (n) Make unreasonable demands on the staff and members/complainant relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's Complaints procedure or normal recognised practice.

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 Town Clerk, in consultation with any relevant Member(s), will determine what action to take. That person will implement such action and will notify complainants, in writing (Annex 1), of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure under section 5 below.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. Members, staff, Members of Parliament, Members of the National Assembly for Wales. A record must be kept for future reference of the reasons why a complainant has been classified as habitual or vexatious.

The Town Clerk may decide to deal with complainants in one or more of the following ways:

- (a) Withdraw contact with the complainant either in person, by telephone, by e-mail, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff and members are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times. (Annex 2)
- (b) To restrict contact to liaison through a designated officer.
- (c) Notify the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

- (d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant.
- (e) In extreme circumstances inform the complainant that the Council reserves the right to pass unreasonable or vexatious complaints to its Legal Advisor and may result in legal action against the complainant.

Review Decisions and Withdrawing 'Habitual or Vexatious' Status.

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 Town Clerk, in consultation with any relevant Member(s), will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.

If the person categorised as habitual or vexatious is not satisfied with the decision reached by the Town Clerk he may request that the decision is reviewed by the Council. Such a request for a review may only be received once in any six-month period. Upon receipt of such a request, the Community Clerk will review the decision, in with relevant members. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.

The Town Clerk on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If the Town Clerk considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the Council's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

Copies of all decisions of the Town Clerk relating to the categorisation of a person as a habitual or vexatious complainant will recorded in a central register.

If the person categorised as habitual or vexatious is not satisfied with the decision reached by the Town Clerk, he may request that the decision is reviewed by a Panel of 3 Councillors. Such a request for a review may only be received once in any six-month period. Upon receipt of such a request, the Panel will convene a meeting to review the decision to which the habitual or vexatious complainant will be invited to attend. Notice of the decision of the Panel will be given, as far as is practical, within five working days of the Panel meeting.

General

Nothing in this policy affects an individual's statutory rights.

Members may be approached by individual constituents who have been identified by the Council as habitual / vexatious complainants. In such cases Members may, if they so wish ask the Town Clerk to write to those individuals on their behalf, to explain that the Councillor will not be able to deal with the issue whilst they continue to be a vexatious / habitual complainant. (Annex 3)

Date of approval 23rd February 2026

Clerk signature of approval _____

Chairs signature of approval _____

Next review date February 2027

Staff/Volunteer Name _____

Signature _____ Date _____

Annexe 1
Letter to Habitual or Vexatious Complainant clarifying Council Position.

[Date]

[Complainant's Name]

[Complainant's Address]

[City/ Town]

[Postcode]

Dear [Complainant's Name],

Re: Classification as Habitual or Vexatious Complainant

I hope this letter finds you well. I am writing to inform you of a decision made by Cwmaman Town Council regarding your status as a complainant in accordance with our "Habitual or Vexatious Complainants Policy."

After careful consideration of all relevant factors and a review of your interactions with the Council, we have determined that your recent and ongoing complaints exhibit certain characteristics that align with the criteria outlined in our policy. Please understand that this decision was not taken lightly, and we have thoroughly assessed the situation on an individual basis.

The criteria that have led to this classification include, but are not limited to, the following:

Persistent pursuit of complaints that have been fully addressed through our established complaints procedure.

Continual raising of new issues or changing the substance of your complaints.

Unwillingness to accept documented evidence of actions taken by the Council.

Continuing to pursue matters when other statutory routes of appeal have been exhausted.

Excessive demands on staff and members time and resources through repeated contacts.

As a result of this classification, we have decided to modify our communication approach with you, effective immediately. While we remain committed to addressing legitimate concerns and requests, we believe that continued interactions on the same matters serve no useful purpose.

Therefore, we are limiting our contact with you in the following ways:

[Choose appropriate actions based on your policy, e.g., "Withdraw contact with you either in person, by telephone, by e-mail, by fax, by letter, or any combination of these, provided that at least one form of contact is maintained."]

We would like to emphasize that this decision is not intended to restrict your right to seek redress or resolution of genuine concerns within the purview of the Council. Should you have new and distinct issues or concerns in the future, we encourage you to raise them, and we will address them through our standard complaints procedure.

If you believe that this classification is unjust or that your circumstances have changed, you have the right to request a review of this decision. Please refer to our policy for the process of review, and feel free to contact us if you wish to pursue this avenue.

We hope that this modified approach will help us maintain productive communication and enable us to focus our resources on addressing the diverse needs of our community. Should you have any questions or require further clarification, please do not hesitate to get in touch with us.

Thank you for your understanding and cooperation in this matter.

Sincerely,

[Your Name]

Town Clerk

Cwmaman Town Council

[Contact Information]

Annexe 2

Telephone Script for Dealing with a Habitual or Vexatious Complainant.

[Ensure that staff members are familiar with the complainant's status before the call.]

Introduction

Staff Member: "Good [Morning/Afternoon], you've reached [Your Name] at [Council Name]. How may I assist you today?"

Acknowledge the Caller

Staff Member: "I understand that you have concerns, and I'm here to help."

Clarify the Nature of the Call

Staff Member: "Could you please briefly describe the reason for your call today?"

Identify the Caller

Staff Member: "May I kindly ask for your name and contact information?"

Confirm Vexatious Status

[If the caller identifies themselves as the vexatious complainant, proceed with this step. If not, proceed with addressing their concerns.]

Staff Member: "Thank you for providing your information. I would like to inform you that we have identified certain patterns in our previous interactions that align with our 'Habitual or Vexatious Complainants Policy.' As a result, our approach to this conversation will be slightly modified. Please understand that this is not meant to restrict your rights but to ensure efficient and productive communication."

Modify the Communication Approach

Staff Member: "During this call, we will focus on addressing your concerns and providing assistance. However, if the conversation becomes unproductive or difficult, I may need to withdraw from the call. We will continue this discussion in writing to ensure that we can provide you with comprehensive responses."

Encourage Constructive Engagement

Staff Member: "If you have new and distinct issues or concerns in the future, we encourage you to raise them through our standard complaints procedure. We remain committed to addressing legitimate concerns."

Withdrawal from the Call

Staff Member: "I appreciate your patience, but it appears that our conversation is becoming unproductive. To ensure that we can address your concerns effectively, I believe it would be best for us to continue this discussion in writing. This will allow me to carefully review your points and provide you with a comprehensive response. Please expect a written communication from us shortly. Thank you for your understanding."

[End the call politely and professionally.]

Documentation

Staff Member: [Document the details of the call in the complainant's file and inform the relevant supervisor or Town Clerk about the interaction.]

Follow-Up

Staff Member: [Ensure that a written communication is sent to the complainant as per our policy.]

Annexe 3

Letter to Complainants following vexatious communications with councillor(s)

[Date]

[Complainant's Name]

[Complainant's Address]

[City/Town]

[Postcode]

Dear [Complainant's Name],

Re: Communication on Behalf of Councillor [Councillor's Name]

I hope this letter finds you well. I am writing to you on behalf of Councillor [Councillor's Name] regarding your recent interactions with the Cwmaman Town Council, specifically concerning your complaints.

Councillor [Councillor's Name] values open and respectful communication with all constituents and is committed to addressing their concerns and needs. However, it has come to our attention that your recent interactions with the Council have exhibited certain patterns that align with the criteria outlined in our "Habitual or Vexatious Complainants Policy."

In light of this, Councillor [Councillor's Name] has asked me to convey the following information to you. Please understand that this decision is not meant to restrict your rights but to ensure that Council resources are efficiently and effectively allocated to address the diverse needs of our community.

As per our policy, if a complainant has been classified as habitual or vexatious, Councillors may find it challenging to deal with specific issues while the complainant continues to exhibit such behavior. Therefore, Councillor [Councillor's Name] regrets to inform you that they will not be able to handle your current issue while your status as a vexatious/habitual complainant persists.

We encourage you to engage constructively with the Council and follow our established complaints procedure for any new and distinct concerns you may have in the future. The Council remains committed to addressing legitimate concerns and requests promptly and professionally.

If you believe that your status as a habitual or vexatious complainant is unjust or that your circumstances have changed, you have the right to request a review of this decision, as outlined in our policy.

We hope that this communication clarifies the situation and allows us to maintain respectful and productive interactions in the future. If you have any questions or require further clarification, please do not hesitate to get in touch with us.

Thank you for your understanding and cooperation.

Sincerely,

[Your Name]

Town Clerk

Cwmaman Town Council

[Contact Information]