



# Horley Town Council

## Complaints Policy and Procedures

### incorporating Habitual Correspondence and Vexatious Complaints

## Part One – Complaints Policy and Procedures

### 1. INTRODUCTION

For the purpose of this policy, Horley Town Council is referred to as ‘the Council’. It is based on the framework suggested by the National Association of Local Councils and is intended to assist with any complaints that anyone may have about the Council’s administration and procedures.

### 2. AIM OF POLICY

The Council is committed to providing the best possible service, to make improvements where needed and learn for the future. We wish to hear about your experiences, so that we can continuously improve. We aim to:

- Make it easy for you to contact us about any issues
- Listen and work with you on further actions as required
- Solve problems at an early stage
- Prevent problems happening again
- Recognise good service

### 3. SCOPE OF POLICY

This policy covers complaints against employees, agents or contractors acting on behalf of the Council and may be dealt with separately through our disciplinary policy, as appropriate. All Town Councillors are required to observe the adopted Reigate & Banstead Borough Council Member Code of Conduct. Any complaints against Members will be considered in the first instance by the Monitoring Officer at Reigate & Banstead Borough Council.

**Complaints against policy decisions made by the Council must be referred to the Council.**

The Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously. We aim to operate in a way that is open, transparent, fair and to provide efficient and appropriate services to the community of Horley.

The Council welcomes feedback from the public at all times. Complaints should be directed through the Council offices, marked for the attention of the Chief Executive Officer (CEO) or nominated officer and not through individual Councillors.

### 4. WHAT CONSTITUTES A COMPLAINT?

**Definition of a Complaint:** *Generally, this will be about the Council’s procedures or administration. It may be an expression of dissatisfaction by one or more members of the public about the Council’s action or lack of action or about the standard of a service, whether the action was taken (or the service provided by the Council) or a person or organisation acting on behalf of the Council.*

A complaint is an expression of dissatisfaction, perhaps about:

- The service you have received
- Things you think we should have done, or have not done
- The actions of staff, agents or contractors working on behalf of the Council

## 5. WHAT IS A COMPLAINTS PROCEDURE?

Our **Complaints Procedure** is the way the Council manages the report of a complaint and aims to ensure the process is:

- Publicised and well documented
- Easy to access and use
- Helpful and receptive, not adversarial
- Objective and based on clear procedures
- Capable of putting things right where necessary
- Sensitive to the needs and circumstances of the complainant
- Adequately resourced and supported by Members and staff
- Kept under regular review for patterns of complaints and service improvements

We aim to handle most problems informally. Where this is not possible or practical, or you remain dissatisfied, we have a formal 3-Stage Complaints Procedure to follow.

## 6. HOW TO INITIATE A COMPLAINT

If a complaint about procedures or administration is notified verbally to a Member or to the CEO or nominated officer, every attempt shall be made to satisfy the complainant speedily and informally. If those attempts fail, the complainant will be asked to put the complaint formally in writing to the CEO or nominated officer and will be assured that the matter will be dealt with promptly on receipt.

If the complainant does not wish to put the complaint to the CEO or nominated officer, then they can put it **in writing addressed for the attention of the Council Chair, marked confidential and sent to: Horley Town Council, Albert Rooms, 92 Albert Road, Horley RH6 7HZ**. The CEO or nominated officer will acknowledge receipt of the complaint and advise the complainant of the date when the matter will be considered.

## 7. HANDLING AN INFORMAL COMPLAINT

An informal complaint should always be directed to the CEO or nominated officer in the first instance through either verbal or written communication. It may be that the matter you are concerned about could be dealt with in a less formal manner or given as constructive feedback. The complaint will be reported to the Council by the CEO or nominated officer along with measures taken to respond to the issues raised and any improvement measures to be made which will be documented by the Council.

The Council will always aim to listen and to do everything possible to deal with the problem. It is, however, not always appropriate to deal with all complaints from members of the public under the Complaints Procedure. For instance, the Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided by the Council will resolve most issues and any measures for improvement implemented promptly by the Council.

## 8. HANDLING A FORMAL COMPLAINT – 3-STAGE PROCESS

A formal complaint should be sent in writing to the CEO or nominated officer, in the first instance, who will document all the information along with any supporting evidence. Alternatively, the complaint may be submitted to the Chair of the Council.

### **Stage 1**

We will send you a written acknowledgement of your complaint within five working days. This will tell you who will be dealing with your complaint and the timeframe for investigation. We will ask you if you wish to make a verbal representation to the Council and to be accompanied. We will tell you what will happen next and a meeting will be arranged at the Council offices. You must inform us at the outset if you wish your complaint to be treated confidentially. If so, we will comply with our obligations under the Data Protection Act. The Council shall defer dealing with any complaint only if it is of the opinion that legal advice is necessary. The complaint shall then be dealt with as soon as is practicable after the date when the advice has been received.

### **Stage 2**

Following further investigation arising from your complaint and any meeting held, we will aim to respond within 10 working days, however this may need to be extended to a reasonable timeframe, and we will keep you updated during this time. We will inform you of the outcome and any steps taken to resolve the matter in writing, usually by email, or by post.

### **Stage 3**

If you are dissatisfied with our written response to your complaint, you can request that your complaint is escalated to Stage 3. This will be an independent investigation by someone, nominated by the CEO or by the Council Chair, as appropriate. At Stage 3, we aim to complete the investigation process within 20 working days, unless an extension is required for more complex issues. You will be notified in writing of the Council's decision on the matter and the nature of any action to be taken will be clearly set out in the response.

## **9. APPEAL PROCESS**

You have a right to appeal, using the same communication channels and contact details. A Panel of Council Leaders shall use delegated powers to adjudicate the matter on behalf of the Council and will receive a full summary of the complaint from the CEO or nominated officer and any steps taken to resolve the matter. The decision of the Panel shall be final.

## **10. OTHER FORMS OF CORRESPONDENCE**

This policy is not restricted to complaints, it covers the full range of any contact including correspondence, such as, general requests for information and advice, raising concerns on local issues or services and formal Freedom of Information Requests (FOIA).

This policy further identifies:

- Actions and behaviours from the correspondent which may be considered to be abusive, vexatious or unreasonably persistent.
- Action we can take to stop or curtail this behaviour.
- Considerations before further action is taken.
- Who can decide to implement such action.
- How to implement the action.
- What the correspondent can do to challenge the decision of the Council.

## **11. COMPLIMENTS AND SUGGESTIONS**

We also welcome your positive and constructive comments to help us improve our service. Do please tell us what you think we do well; make suggestions for improvements; or any other comments you would like to make. To do this, you can write to us at the Council Offices; email us at: [info@horleysurrey-tc.gov.uk](mailto:info@horleysurrey-tc.gov.uk) or use the contact features on our website.

# Part Two – Habitual Correspondence and Vexatious Complaints

## 1. HABITUAL CORRESPONDENCE AND VEXATIOUS COMPLAINTS

The Council is committed to responding to all forms of communication received, including handling any complaints from residents in an open and transparent way that is fair and equal to everyone. Overall, it is a straightforward process, but there can be occasions where a small number of people who, because of the frequency, nature or tone of their contact with the Council, may adversely affect our capacity to provide a proper service to other residents. We will refer to these parties as ‘unreasonably persistent’ or ‘vexatious’ and this policy will apply.

For clarification, unreasonable or unreasonably persistent parties who correspond or make complaints that:

- clearly do not have any serious purpose or value
- are designed to cause disruption or annoyance
- have the effect of harassing the Council or can be seen as obsessive or unreasonable.

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, may be considered ‘habitual or vexatious’ and ways of responding to these situations.

## 2. DEFINITIONS OF ‘HABITUAL CORRESPONDENCE’ AND ‘VEXATIOUS COMPLAINTS’

‘Habitual’ means ‘done repeatedly or as a habit’. ‘Vexatious’ means troublesome and is recognised in law as ‘denoting an action or the bringer of an action without sufficient grounds for winning but purely to cause annoyance’ and in the context of the Council, means acting to cause annoyance to the Council. Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria:

- Persistently pursuing a complaint where the Council’s Complaints Policy and Procedures have been fully and properly implemented and exhausted.
- Persistently changing the substance of a complaint; or continually raising new issues; or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint).
- Repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions; or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly not clearly identifying the precise issues which they wish to have investigated, despite reasonable efforts by the Council to help them specify their concerns; and/or where the concerns identified are not within the remit of the Council to investigate.
- Regularly focusing on a trivial matter to an extent which is out of proportion to its significance and continuing to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Having, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, contact may be in person, by telephone, letter or email. Discretion will 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.
- Having harassed; or been personally abusive; or verbally aggressive on one or more occasion towards staff or Members who are dealing with the complaint. These will be documented.

- Having knowingly recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.
- Making unreasonable demands on the Council and failing to accept that these may be unreasonable, for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's Policy & Complaints Procedures; or normal recognised practice.

### **3. PROCEDURES FOR DEALING WITH HABITUAL CORRESPONDENCE OR VEXATIOUS COMPLAINANTS**

If a complainant has threatened or used physical violence towards staff or Members at any time, this in itself 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 instances will be documented. Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Chief Executive Officer in consultation with the Chair and Vice Chair of the Council will as appropriate take one or more of the following courses of action:

- The complainant will be notified in writing why their complaint has been classified as vexatious.
- The complainant will be advised that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose.
- The complainant will be advised that the correspondence is at an end and advised they are being treated as a persistent or vexatious complainant and, as such, the Council does not intend to engage in any further correspondence.
- The Council will decline further contact with the complainant, either in person, by telephone, letter, email or by any other means.
- The complainant may be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
- The Council will suspend all contact with the complainant in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency, such as the Local Government Ombudsman or External Auditor as deemed appropriate.
- The complainant will be notified of the contact details of the Local Government Ombudsman and invited to contact that office if they wish to take the matter further.

### **4. WITHDRAWING HABITUAL OR VEXATIOUS STATUS**

Once a complainant has been determined to be habitual and/or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

Habitual correspondence or vexatious complaints can be difficult to handle in that they are time consuming and may be deemed as a wasteful demand on Council resources.

There may be occasions when despite having tried to respond to complaints or correspondence, there is nothing further which can be reasonably done to assist or to rectify a real or perceived problem. This includes the repeated and/or obsessive pursuit of any matter where either lengthy explanations of the Council's actions or stance have already been provided; or the basis of the request does not fall within the jurisdiction and responsibility of the Council to respond.

## 5. ACTIONS AND BEHAVIOURS OF UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS

Correspondents, complainants or anyone acting on their behalf may be deemed to be vexatious or unreasonably persistent if one or more of the following applies:

- Refusing to outline the basis leading to their dissatisfaction on the handling of the matter or specify the grounds of a complaint.
- Making what appear to be groundless complaints about the persons dealing with the contact/complaint.
- Taking an excessive ‘scattergun’ approach – complaining officially to the Council as well as raising the same complaint with other bodies such as the principal authorities/Councillors/local MP/Police/Local Government Ombudsman.
- Changing the basis of the query/complaint as the investigation moves forward and/or denying earlier statements.
- Raising trivial information and expecting this to be taken into account or raising lots of detailed but unimportant questions and insisting they are answered.
- Making excessive demands on the Council’s time and resources with lengthy phone calls, emails to Councillors or the Proper Officer, or detailed frequent letters and expecting immediate replies.
- Making repeat contacts/complaints after the matter has been fully investigated and completed.
- Refusing to accept the final decision on a matter.
- Refusing to accept a matter is outside the remit of the Complaints Procedure.
- Persistently contacting the Council through different routes about the same issue.
- Refusing to accept that matters aren’t within the Council’s power to investigate if the matter is the responsibility of another organisation.
- Refusing to accept that certain issues are not within the scope of a Complaint Procedure.
- Refusing to accept that certain issues are outside the Council’s jurisdiction.
- Insisting that a matter is handled in a manner that conflicts with the Council’s adopted policies, Complaints Procedure or recognised good practice.
- Refusing to co-operate with the Council’s investigation process on handling complaints.
- Making unjustified complaints about Members and/or staff who are trying to deal with the issues.
- Changing the basis of the complaint as the investigation proceeds.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

The above list is not exhaustive, merely explanatory of examples of unreasonable requests. Where a request is considered to be vexatious or persistent, the Council may take the decision not to provide the information requested, as appropriate, informing the complainant that any further correspondence on the matter will not be acknowledged or replied to.

## 6. AGGRESSIVE OR ABUSIVE BEHAVIOUR

Aggressive or abusive behaviour is not restricted to physical harm but also includes behaviour or language (verbal or written) that may cause any Councillor, Council employees or anyone working on their behalf to feel threatened or at risk of abuse. This may include (but is not limited to):

**Threats, violence, physical advances, verbal abuse, written or online abuse on social media, derogatory comments, rudeness, inflammatory statements and unsubstantiated allegations.**

## 7. HOW WE WILL DECIDE TO IMPLEMENT THIS POLICY IN REGARD TO HABITUAL CORRESPONDENCE OR VEXATIOUS COMPLAINTS

This policy will be used as a last resort once all measures have been taken to resolve issues, including the Council’s complaint procedures. We will make sure we have communicated appropriately with the party or parties concerned and make sure no new information that will affect the decision has been put forward. The party or parties will receive one written warning confirming that if their

actions/behaviour continues, it will result in the Council treating them as ‘unreasonably persistent or vexatious’ and future contact may be restricted or withdrawn.

Any ‘aggressive complaints’ where a complainant demonstrates lack of civility and respect to being unreasonably persistent, offensive, abusive or threatening, **will not be tolerated by the Council.**

Complaints will be seen to be vexatious in any situation where violence or abusive language has been used or threatened towards Councillors, staff or others acting on behalf of the Council, at any time. This will mean that contact with the complainant will cease immediately and the complainant will only be permitted to contact the Council in writing. All such incidents will be documented on Council records and reported to the Police. A decision to restrict contact may be taken according to the level and nature of the party’s contacts with us, the following actions may also be taken:

- Requesting contact in a specific form (eg by letter only).
- Requesting contact be made with a named officer only.
- Setting the number of telephone calls that will be accepted (eg one call a week).
- Refusing to deal with future correspondence on the same matter if a decision has already been reached.

The party 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 us. The letter will outline the length of time the restrictions will be in place and how they can ask for the restricted status to be reviewed at the end of this period.

## **8. ACTION TO BE TAKEN BY THE COUNCIL**

The Chief Executive Officer (CEO), in consultation with the Council Chair, will investigate any complaints/complainant’s behaviour that are considered to come under the above definitions in paragraph 4 above. Where cases relate to the Council Chair or the CEO, the matter will be delegated to the Council Vice-Chair and Assistant CEO to investigate, or vice-versa.

## **9. RIGHT TO APPEAL - A DECISION TO RESTRICT CONTACT**

A correspondent or complainant can appeal the decision to place them on the ‘unreasonably persistent or vexatious contact list’ within 14 days of being notified of the Council’s decision. This should be done in writing to the Council, marked for the attention of the CEO (or Assistant CEO), with reasons why they want to appeal.

## **10. REVIEW AND APPEAL PROCESS**

The Appeal Process will be handled by either the CEO and Council Chair (or by the nominated officer), where their involvement has been from the outset of the case. Their decision on the matter shall be final and communicated to the correspondent or complainant within 14 days with confirmation that the matter is closed.

## **11. RECORDING AND REVIEWING RESTRICTIONS**

If a decision is made to apply this policy, the information will be shared with the Council (personal details will not normally be included). Any new matters raised under this policy will be treated on their merits. A decision to restrict contact may be reconsidered if the party shows a more acceptable and consistent approach in their contact with the Council.

### **Resources**

[Local Government Ombudsman](#)

[National Association of Local Councils](#)

*This policy was approved for adoption at the Full Council meeting held on 17 March 2026.*

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