Penmaenmawr Town Council

Managing Unreasonable Complainant Behaviour and Contact Policy

(replacing the former Vexatious Complaints Policy)

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Policy owner	Town Clerk

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Document control

Policy title	Managing Unreasonable Complainant Behaviour and Contact Policy
Former title	Vexatious Complaints Policy
Applies to	Councillors, employees, contractors, volunteers, complainants, representatives and other people contacting the Council
Approval body	Full Council, or a committee acting under clearly recorded delegated authority
Policy owner	Town Clerk
Proposed adoption date	31 July 2026
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Related policies	Complaints Procedure; Equality Policy; Welsh Language Policy; Data Protection Policy; Records Retention Schedule; Freedom of Information Policy; Social Media Policy; Safeguarding Policy; Member Code of Conduct

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1. Purpose and principles

1.1 Penmaenmawr Town Council is committed to dealing with complaints and other contact fairly, respectfully, consistently and within reasonable timescales.

1.2 Most people communicate with the Council reasonably. This policy applies only in the small number of cases where a person's actions or behaviour create a disproportionate impact on the Council's ability to provide services, consider complaints, conduct public business or protect the welfare and safety of councillors, employees, contractors and volunteers.

1.3 The Council will distinguish between the merits of a complaint or request and the way contact is made. Managing a person's contact will not, by itself, determine or end the underlying complaint or request.

1.4 Restrictions will be evidence-based, lawful, proportionate, time-limited and no more restrictive than reasonably necessary. Wherever reasonably possible, at least one effective route of contact will remain available.

1.5 A person will not be disadvantaged merely because they criticise the Council, challenge a decision, request a review, contact an elected representative or oversight body, communicate in Welsh, use an advocate, or make a complaint that is ultimately not upheld.

2. Scope and exclusions

2.1 This policy applies to contact with the Council by telephone, letter, email, social media, online forms, video call, face-to-face contact and attendance at Council premises or Council-organised activities.

2.2 It may apply to a complainant, a representative acting for them, a witness, a service user, a correspondent or any other person whose contact with the Council is being managed.

2.3 This policy does not replace the Council's Complaints Procedure. It governs how contact may be managed while the complaint or other matter continues under the appropriate procedure.

2.4 The following matters must be dealt with under their own legal or specialist process and must not be refused solely because this policy has previously been applied:

- requests under the Freedom of Information Act 2000 or Environmental Information Regulations 2004;
- requests for a person's own personal data under data protection legislation;
- complaints alleging a breach of the Members' Code of Conduct;
- employee grievances, disciplinary matters and whistleblowing disclosures;
- safeguarding concerns, allegations of crime, insurance claims and legal proceedings; and
- any other matter for which legislation or Council policy prescribes a separate process.

3. Definitions

3.1 "Unreasonable behaviour or contact" means behaviour, demands or persistence which, having considered all the circumstances, have an unjustified or disproportionate impact on the Council, its people or other service users.

3.2 The terms describe behaviour and its impact. They are not labels for the person. The Council will avoid describing a person as "vexatious".

3.3 A single serious incident may justify immediate action. In other cases, a pattern of behaviour, the cumulative impact of contact and any previous warnings will be considered.

3.4 The fact that one example in sections 4 or 5 is present will not automatically justify formal restrictions. The context, seriousness, frequency, impact, purpose of the contact and available alternatives must all be considered.

4. Standards of behaviour

4.1 Councillors, employees, contractors and volunteers are entitled to carry out their duties without abuse, harassment, discrimination, intimidation or threats.

4.2 Conduct that may require action includes:

- threats, violence, stalking, intimidation or conduct causing a reasonable fear for safety;
- abusive, obscene, offensive, defamatory or deliberately humiliating language;
- shouting, persistent interruption or refusing to allow another person to speak;
- harassment or repeated personal allegations unrelated to the substance of the complaint;
- sexual, racist, disablist, homophobic, transphobic, religious or other discriminatory comments;
- publishing or threatening to publish personal information about councillors, staff or volunteers without a legitimate reason;
- damage to Council property or refusal to leave Council premises when lawfully asked; and
- online conduct that is threatening, abusive, repetitive spam, impersonation or targeted harassment.

4.3 Firm disagreement, frustration, distress or raised emotion will not automatically be treated as abusive. Staff should consider the circumstances and allow a reasonable opportunity for the person to moderate their behaviour, unless there is an immediate safety risk.

5. Examples of unreasonable demands or persistence

5.1 Behaviour may be unreasonable where its scale, repetition or impact is disproportionate to the matter being considered. Examples may include:

- excessive or repetitive telephone calls, emails, letters, social-media messages or visits that materially interfere with Council business;
- sending substantially duplicate correspondence after a full response has been given, without new and relevant information;
- demanding responses within unreasonable timescales or insisting on immediate answers to complex matters;
- refusing to state the substance of a complaint despite reasonable assistance;
- refusing without good reason to cooperate with the Council's published procedure while continuing to demand an outcome;
- insisting that a matter is handled by a particular councillor or employee when there is no reasonable basis for that demand;
- repeatedly changing the substance of a complaint, raising numerous unrelated issues or introducing immaterial information in a way that prevents proportionate consideration;
- seeking an outcome that the Council has explained it has no lawful power to provide;
- repeatedly disputing documented facts without providing a reasonable evidential basis;
- persistently contacting numerous councillors, employees or departments about the same issue after a single point of contact has reasonably been established; or
- using complaints or contact primarily to harass, intimidate, punish or create a disproportionate burden, where that conclusion is supported by objective evidence.

5.2 Contacting a Member of Parliament, councillors, the Monitoring Officer, the police, an auditor, the Public Services Ombudsman for Wales, the Information Commissioner or a legal adviser is not, by itself, unreasonable. The Council will assess the person's direct conduct and the actual impact on Council business.

5.3 Making an audio or video recording is not, by itself, evidence of unreasonable behaviour. Recording at Council meetings or during private conversations will be addressed under applicable law, the Council's Standing Orders, privacy requirements and any separate recording protocol. A reasonable adjustment may also be relevant.

6. Behaviour that will not, by itself, trigger this policy

6.1 The following will not, without additional evidence of disproportionate or harmful conduct, justify use of this policy:

- making a legitimate complaint or service request;
- asking reasonable questions about progress or missed timescales;
- requesting clarification, correction, reconsideration or an internal review;

- disagreeing with, criticising or challenging a Council decision;
- making more than one complaint or using more than one lawful route of redress;
- raising an historic matter that may still disclose maladministration, learning or an ongoing impact;
- using an advocate, interpreter or representative;
- communicating in Welsh or requesting accessible information; or
- expressing distress, anxiety or frustration without abuse or threatening conduct.

7. Equality, accessibility and language

7.1 Before imposing or reviewing a restriction, the decision-maker must consider whether disability, neurodivergence, mental-health needs, cognitive impairment, sensory impairment, literacy, language, trauma or other communication needs may be relevant.

7.2 The Council will consider reasonable adjustments, accessible formats, additional time, use of an advocate or representative, communication through an agreed channel, supported meetings or other practical measures that may avoid or reduce the need for restrictions.

7.3 A reasonable adjustment does not require councillors, employees or volunteers to accept threats, violence, harassment or abuse. Adjustments and safety measures may operate together.

7.4 People may communicate with the Council in Welsh or English and will not be treated less favourably because of their chosen language. The Council will apply this policy consistently with its Welsh language commitments.

7.5 Where the Council knows that a person has an advocate, carer or authorised representative, it will involve that person where appropriate and lawful. The Council may suggest independent advocacy where this may help communication.

8. Immediate management of incidents

8.1 A councillor, employee, contractor or volunteer may end a telephone call, meeting or face-to-face interaction where unacceptable conduct continues after one clear warning. No warning is required where there is a credible threat, violence, serious harassment or an immediate safety risk.

8.2 The person ending the contact must make a factual record as soon as practicable, including the date, time, conduct, warning given, action taken and any witnesses or evidence.

8.3 The Town Clerk, or an authorised senior employee, may apply a temporary communication arrangement for up to two working days while the incident is assessed. This may include directing contact to email, requiring an appointment or temporarily pausing telephone contact.

8.4 Threats, suspected criminal conduct or an immediate risk to safety may be reported to the police. The Council may also obtain legal advice, issue a warning about premises, take protective measures or contact emergency services without prior notice where necessary.

8.5 Social-media content may be hidden, removed, blocked or reported in accordance with the Council's Social Media Policy and the platform's rules. Relevant evidence should be retained where necessary.

9. Informal action and warning

9.1 Except where the conduct is sufficiently serious to justify immediate formal action, the Council will first try to resolve the problem informally.

9.2 The Town Clerk or the employee managing the matter should explain:

- which conduct is causing concern and its impact;
- the standard of communication expected;
- any practical communication arrangement proposed;
- any support or reasonable adjustment available;
- what may happen if the conduct continues; and

- when the informal arrangement will be reviewed.

9.3 A warning should normally be confirmed in writing and a copy of this policy provided or linked. The warning must be factual and must not prejudge the underlying complaint.

10. Formal decision to manage contact

10.1 A formal restriction may be imposed only after the decision-maker has reviewed the available evidence, the impact on the Council, any previous warning, the purpose and value of the contact, equality and accessibility considerations, and less restrictive alternatives.

10.2 The formal decision will normally be made by the Town Clerk. The Town Clerk should consult the Mayor or Deputy Mayor and one councillor who has had no material involvement in the underlying complaint. Advice may also be obtained from One Voice Wales, the Society of Local Council Clerks, the Council's insurer or legal adviser.

10.3 Where the underlying complaint concerns the Town Clerk, or the Town Clerk has a material conflict of interest, the decision will be made by the Mayor or Deputy Mayor in consultation with the Chair of the appropriate committee and, where appropriate, an independent adviser. A person who is the subject of the complaint must not take part in the decision.

10.4 Restrictions must be tailored to the circumstances and may include:

- requiring all contact to go through one named employee or a designated Council email address;
- limiting contact to a particular method, such as email or letter;
- limiting telephone calls or appointments to specified reasonable days, times or duration;
- requiring advance appointments for visits to Council premises;
- requiring face-to-face contact to take place with a witness or in an appropriate public area;
- asking the person to use an advocate or agreed representative;
- providing responses at agreed intervals rather than responding to every individual contact;
- not acknowledging duplicate correspondence about a concluded matter unless it contains materially new information;
- using a written communication or behaviour agreement;
- restricting access to specific social-media channels while preserving an alternative contact route; or
- in exceptional circumstances, refusing a particular method of contact where necessary to protect safety or prevent serious disruption.

10.5 Wherever reasonably possible, at least one effective route of contact will remain open. Complete refusal of all contact will be exceptional, require recorded reasons and normally be based on immediate safety considerations, legal advice or police advice.

10.6 A restriction on direct contact does not remove any statutory right to make a new request, report a safeguarding concern or access a public meeting. Attendance and conduct at public meetings remain subject to legislation, Standing Orders, the lawful directions of the Chair and any necessary safety measures.

10.7 An initial formal restriction will normally last no longer than six months. A shorter period should be used where it is sufficient. A longer period may be imposed only in exceptional circumstances with documented reasons and a review date no more than six months away.

11. Notice of a formal decision

11.1 The Council will normally notify the person in writing. The decision notice will state:

- the conduct and evidence relied upon, described factually and proportionately;
- why formal management of contact is necessary;
- the exact restriction and any contact route that remains available;
- the start date, end date or review date;
- how urgent, new or statutory matters will be handled;
- any reasonable adjustment or support considered;

- the right and deadline to request an internal appeal; and
- how the underlying complaint will continue or has concluded.

11.2 A copy of this policy will be enclosed or an accessible link provided. Information will be provided in an accessible format where reasonably required.

12. Internal appeal

12.1 The person may request an internal appeal within 20 working days of receiving a formal decision. The request should explain why the restriction is considered unfair, disproportionate, factually incorrect or inconsistent with a reasonable adjustment.

12.2 The appeal will be considered by three councillors who were not involved in the original decision or underlying complaint. Where that is not practicable, the Council may appoint an appropriately independent person or seek an external review arrangement.

12.3 The appeal reviewer may uphold, vary, suspend or cancel the restriction. The outcome and reasons will normally be provided in writing within 20 working days, or the person will be told when a response can reasonably be expected.

12.4 The restriction will normally remain in place while the appeal is considered unless the reviewer decides that suspension is appropriate.

12.5 The decision notice may explain that the person can contact the Public Services Ombudsman for Wales about the Council's handling of the underlying complaint, subject to the Ombudsman's jurisdiction and normal requirements. Complaints about the conduct of an individual councillor follow the separate Code of Conduct process.

13. Review and ending restrictions

13.1 Every formal restriction must have a review date no more than six months after the decision. It may be reviewed sooner where circumstances change, new evidence is received or the person demonstrates sustained reasonable contact.

13.2 The review should normally be carried out by the original decision-maker or another person at an equivalent level who has access to the evidence. The reviewer must reconsider necessity, proportionality, equality impacts, safety, the person's recent conduct and less restrictive alternatives.

13.3 The restriction may be ended, reduced, varied or renewed. Renewal requires fresh reasons and a further review date. The person will be notified of any continuation or material change where they remain in active contact with the Council.

14. New matters raised during a restriction

14.1 New complaints, service requests or information will be considered on their merits. The Council will not operate a blanket policy of ignoring a person because their previous contact was restricted.

14.2 A designated employee may screen incoming correspondence to identify urgent matters, safeguarding concerns, statutory requests, materially new evidence or a genuinely new complaint.

14.3 Correspondence that merely repeats a fully concluded matter without materially new information may be placed on file without a substantive response, where the decision notice has clearly explained that this will happen.

15. Statutory and specialist procedures

15.1 Freedom of information and environmental information requests will be considered under the relevant legislation and current Information Commissioner's Office guidance. Any decision that a request is vexatious or manifestly unreasonable must relate to the request and the applicable legal test, not merely to the identity or previous behaviour of the requester.

15.2 Requests for the person's own personal data will be handled as subject access requests under applicable data protection legislation, even where other contact is restricted.

15.3 Alleged breaches of the Members' Code of Conduct should be directed to the Public Services Ombudsman for Wales under the separate statutory process. Complaints about employees remain matters for the Council under the appropriate employment or complaints procedure.

15.4 Safeguarding concerns, threats, criminal allegations, legal claims and matters subject to court, tribunal, insurance or audit procedures must be escalated through the appropriate route without avoidable delay.

16. Record keeping and data protection

16.1 The Council will keep an adequate and factual record of warnings, incidents, evidence, decisions, restrictions, appeals, reviews and notifications.

16.2 The record should include only information that is adequate, relevant and necessary for the purpose. Access will be limited to councillors, employees and advisers who need the information to perform their role.

16.3 Records will be retained and securely disposed of in accordance with the Council's Records Retention Schedule, Data Protection Policy and privacy information. Restrictions and related personal data will be reviewed periodically and deleted when no longer required, subject to any lawful need to retain them.

16.4 Relevant employees and councillors will be informed only of the practical restrictions they need to apply. Sensitive personal information, including disability or health information, will not be circulated more widely than necessary.

17. Staff and councillor safety and support

17.1 Incidents affecting safety or wellbeing should be reported promptly to the Town Clerk or Mayor, as appropriate. The Council will consider risk assessment, lone-working arrangements, debriefing, employee assistance, occupational health, insurer support, police advice or legal advice where relevant.

17.2 Councillors, employees and volunteers should not respond personally to abusive social-media content or continue a confrontation. Evidence should be preserved and the matter referred through the agreed Council route.

17.3 The Council will provide appropriate guidance or training to people who may have to apply this policy.

18. Monitoring and policy review

18.1 The Town Clerk will maintain a confidential log of formal restrictions and review it at least annually to check consistency, proportionality, equality impact, expiry dates and any learning for service improvement.

18.2 The Council will review this policy at least every two years and earlier where legislation, Ombudsman or Information Commissioner guidance, Council structures or operational experience make this necessary.

18.3 Any significant amendment must be approved by Full Council or by a committee with clearly recorded delegated authority. The adoption date and minute reference must be recorded in Appendix C before publication.

19. Contact information

19.1 For information, accessible formats or assistance with this policy, contact:

Address: Penmaenmawr Town Council, Council Offices & Chamber, Penmaenmawr Community Centre, Conwy Road, Penmaenmawr, LL34 6AB
Telephone: 01492 623 221
Email: clerk@penmaenmawr-tc.gov.wales

19.2 People may contact the Council in Welsh or English. Please tell us about any reasonable adjustment or accessible format you require.

Appendix A - Decision checklist

The decision-maker should complete and retain this checklist before imposing or renewing a formal restriction.

No.	Decision question	Yes/No	Evidence / action
1	Has the underlying complaint or matter been identified and allocated to the correct procedure?		
2	What specific conduct has occurred? Record dates, examples, evidence and witnesses.		
3	What actual impact has the conduct had on safety, wellbeing, resources, other service users or Council business?		
4	Has the purpose and potential value of the complaint or contact been considered?		
5	Has the person received reasonable assistance to explain or progress the matter?		
6	Has an informal communication arrangement or warning been attempted, unless the conduct is sufficiently serious to justify immediate action?		
7	Have disability, neurodivergence, mental health, literacy, language, trauma and other communication needs been considered?		
8	What reasonable adjustments, accessible formats or advocacy options have been considered?		
9	What less restrictive options are available?		
10	Is the proposed restriction necessary, proportionate, clear and capable of being applied consistently?		
11	Will at least one effective route of contact remain open? If not, record the exceptional safety or legal reasons.		
12	How will urgent, statutory, safeguarding and genuinely new matters be identified and handled?		
13	Who has been consulted and are all decision-makers free from conflicts of interest?		
14	What is the start date, duration and review date? The review date must be no more than six months away.		
15	Does the decision letter contain reasons, restrictions, remaining contact route, appeal rights and review arrangements?		

Appendix B - Decision and review responsibilities

Action	Authorised decision-maker	Safeguards
End a call or interaction after warning	Any councillor, employee, contractor or volunteer involved in the interaction	Record and report promptly. No warning required for immediate serious risk.
Temporary communication arrangement, up to two working days	Town Clerk or authorised senior employee	Used while evidence and risk are assessed.
Formal contact restriction	Town Clerk, after appropriate consultation	Must apply the checklist and issue a written decision.
Formal restriction where the Town Clerk is conflicted or complained about	Mayor or Deputy Mayor, with an uninvolved committee chair and appropriate independent advice	The subject of the complaint must take no part.
Internal appeal	Three uninvolved councillors or an appropriately independent reviewer	May uphold, vary, suspend or cancel the restriction.
Scheduled review	Original decision-maker or equivalent uninvolved decision-maker	Must occur no later than six months after the decision.
Annual consistency review	Town Clerk, reporting appropriately to Council	Confidential review of proportionality, equality impact, expiry and learning.

Reference framework

- Public Services Ombudsman for Wales - Managing Customer Contact Policy (August 2025)
- Public Services Ombudsman for Wales - Complaints against Community and Town Councils: General Information
- Information Commissioner's Office - Dealing with vexatious requests under section 14 of the Freedom of Information Act 2000
- Information Commissioner's Office - Data minimisation and storage limitation principles
- Equality Act 2010 and the applicable Code of Practice for services and public functions

Appendix C - Version history and approval record

Version	Approval details	Adoption date	Minute reference	Next review
Draft V1.1	Draft prepared for consideration. Replaces and substantially revises the former Vexatious Complaints Policy.	Proposed: 31.07.26	To be inserted	July 2028

Publication control: Before publication, allocate the policy number, confirm the approving body had authority, replace “Proposed” with the actual adoption date and insert the minute reference.