

COLWICH PARISH COUNCIL



PD042 VEXATIOUS COMMUNICATIONS

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Parish Centre, St. Mary's Road, Little Haywood, Staffordshire, ST18 0TX
Telephone: 01889-882665.
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Vexatious Communications – PD042

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Name	Position	Date
Michael Lennon	Chief Officer	

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Revision History

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1 INTRODUCTION

- 1.1 This policy provides Colwich Parish Council (the Council) with the process to be followed in the event of a complainant or correspondent becoming vexatious. This policy should be read in conjunction with the Complaints Procedure (PD041).
- 1.2 A small percentage of people will correspond with, or complain to, the Council in a way that could reasonably be described as obsessive, harassing or repetitious. This type of correspondence takes up a disproportionate amount of resource and can result in unacceptable stress for officials and Councillors. The procedure below is designed to address vexatious correspondence and complaints. It will assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.
- 1.3 It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement, and it is designed to ensure that the rights of service users are protected, while ensuring that scarce resources are used fairly and effectively, and that officials and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints.
- 1.4 This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

2 DEFINITIONS

- 2.1 In this policy:
 - 2.1.1 Habitual means 'done repeatedly or as a habit'.
 - 2.1.2 Vexatious is defined in law as 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.
- 2.2 This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 2.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations 2004 (EIR) and the Data Protection Act 1998 (DPA) and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 2.4 Section 1 of the UK's [Freedom of Information Act 2000 \(FOIA\)](#) establishes the public's general right to access official information. It imposes two core, statutory duties on public authorities for any valid written request:
 - 2.4.1 **The duty to confirm or deny:** To inform the requester in writing whether the public authority holds the specified information.
 - 2.4.2 **The duty to communicate:** If the information is held, to provide a copy of or communicate that information to the requester.
- 2.5 Section 14 of the FOI states that:
Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

- 2.6** Vexatious or persistent complaints and correspondence and can be characterised as requests that are seen as obsessive, harassing, disruptive, or lacking serious purpose or value.
- 2.7** Factors considered when determining if a request is vexatious include:
- 2.7.1** Whether the request is part of a coordinated campaign.
 - 2.7.2** If the request is likely to cause disproportionate or unjustified disruption, irritation, or distress.
 - 2.7.3** Whether the request is likely to impose a significant burden on the authority in terms of time and resources.
 - 2.7.4** If the request is designed to cause annoyance.
 - 2.7.5** If the request lacks any serious purpose or value.

3 USING THE PROCEDURE

- 3.1** The Council has established a Complaints Committee (the Committee) comprising the Vice Chairman of the Council, who Chairs the Committee, and three other Councillors.
- 3.2** Where the Chief Officer or any Councillor identifies behaviour that is believed to exhibit the characteristics defined above, then they should first discuss their concerns with the Committee. If the Committee agrees with that assessment, then it will prepare a brief statement of why it considers the complaint or correspondence to be vexatious and attach any supporting evidence.

4 HANDLING VEXATIOUS COMPLAINTS OR CORRESPONDENCE

- 4.1** The Committee Chairman will, in the first instance, write to the correspondent advising that their complaint and/or correspondence has been determined to be vexatious, detailing what restrictions the Council will apply and giving reasons for the decision.
- 4.2** Restrictions may include notifying the complainant that the Council will no longer respond to any further correspondence or communication of any sort.
- 4.3** The correspondent should be advised that the decision will be reviewed in 6 months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious.
- 4.4** The correspondent should be advised that there is no right of appeal to the Full Council against the decision of the Committee.

5 REVIEWING THE DECISION

- 5.1** Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision will be reviewed.

- 5.2** The Complaints Committee will meet to consider whether there has been any improvement in the vexatious behaviour over that time. The Committee Chairman will write to the correspondent advising them of the outcome of the review.
- 5.3** If the behaviour has improved, future correspondence will be treated in the normal way.
- 5.4** If there has not been a significant improvement, the correspondence will continue to be treated as vexatious, and will be reviewed every six months.

6 FURTHER ADVICE AND GUIDANCE

- 6.1** Defining complaints and/or correspondence as vexatious is a very serious step, and will only be undertaken as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence-based and reviewed regularly.
- 6.2** Concerns about a particular correspondent should be discussed with the Committee Chairman or the Chairman of the Council. Please do not hesitate to contact them to discuss specific issues or questions.

SIGNED	<i>W^oPlant</i>
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	