

COLWICH PARISH COUNCIL



PD042 VEXATIOUS COMMUNICATIONS

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Vexatious Communications – PD042

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1 INTRODUCTION

- 1.1** This policy should be read in conjunction with the Complaints Procedure (PD041). This policy provides Colwich Parish Council (the Council) with a process should a complaint or correspondence become vexatious and will be implemented once the complaints procedure has been completed.
- 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 correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for officials and Councillors. This procedure 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, the term habitual means 'done repeatedly 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'. 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.
- 2.2** The term complaint in this policy includes requests made under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 2.3** Vexatious or persistent complaints and correspondence can be characterised in the following ways:
 - 2.3.1** Behaviour, which is obsessive, persistent, harassing, prolific, repetitious.
 - 2.3.2** Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason.
 - 2.3.3** Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner.
 - 2.3.4** A "scatter gun" approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the MP, the Chairman of the Council, other councillors and external regulators.

- 2.3.5** Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

3 USING THE PROCEDURE

- 3.1** The Council has established a Complaints Committee which consists of the Vice Chairman of the Council, who Chairs the Committee, and three other members.
- 3.2** If the Chief Officer or any Councillor identifies behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should first discuss their concerns with the Committee. If the Committee agrees with the assessment, they should prepare a brief statement of why it considers the complaint or correspondence to be vexatious, including its effect upon officials, Councillors and/or the parish. This should be accompanied by a list of correspondence, via email, telephone and letter, including information about whom the correspondence was addressed to, how many people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.

4 HANDLING VEXATIOUS COMPLAINTS OR CORRESPONDENCE

- 4.1** The first step will be for the Committee Chairman to write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious, what restrictions the Council will apply and giving the reason for these decisions.
- 4.2** Restrictions, tailored to deal with the individual circumstances of the complainant, may include (this list is not exhaustive):
- 4.2.1** Banning the complainant from making contact by telephone except through a third party e.g. a solicitor or Councillor.
 - 4.2.2** Banning a complainant from sending emails to individual and/or all officials and insisting they only correspond by postal letter.
 - 4.2.3** Requiring contact to take place with the Committee Chairman only.
 - 4.2.4** Restricting telephone calls to specified days and/or times and/or duration.
 - 4.2.5** Requiring any contact to take place in the presence of an appropriate witness.
 - 4.2.6** Letting the complainant know that the Council will not reply to or acknowledge any further contact from them related to the topic of the complaint.
- 4.3** The letter should state that any future correspondence will be passed direct to the Committee.
- 4.4** 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.
- 4.5** The correspondent should be advised that there is no route of appeal against the decision that a complaint or correspondence is vexatious.

- 4.6** Any future correspondence should be passed to the Committee for consideration. If the Committee consider it to be appropriate, they may acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent.

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** Please bear in mind that defining complaints and/or correspondence as vexatious is a very serious step, and only 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** If you have concerns about a particular correspondent, please discuss them with the Committee Chairman and the Chairman of the Council. Please do not hesitate to contact them to discuss specific issues or questions.

SIGNED	
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	