

WALTON-IN-GORDANO PARISH COUNCIL
In the North Somerset Council Ward of Gordano Valley

VEXATIOUS REQUESTS & COMPLAINTS POLICY

A policy for dealing with abusive, persistent or vexatious requests/requestors, and/or complaints/complainants

Where the words "request" and "requester" are used, they should be read as "complaints" and "complainants" as appropriate

Where actions and responsibilities are indicated as being via the Clerk in consultation with the Chairman those actions and responsibilities are deemed to also be via the Chairman in consultation with the Clerk in appropriate circumstances

(Template provided by Avon Local Councils Association - ALCA)

Agreed via email in June and ratified at minute 057/2021 on July 12th 2021

1 Introduction

- 1.1** This policy identifies situations where a person making a request, either individually or as part of a group, or a group of requesters, might be considered to be habitual or vexatious. The following clauses form the Parish Council's policy for ways of responding to these situations.
- 1.2** 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 purely to cause annoyance to the defendant'
- 1.3** Indicators that requests are vexatious are if:-
- they include abusive or aggressive language.
 - requesters can be said to bear a personal grudge or make completely unsubstantiated accusations against the Parish Council or specific employees.
 - requests from individuals are unreasonably persistent, frequent or overlapping.
 - the effort required to meet the request will be so grossly oppressive of strain on time and resources, that the Parish Council cannot reasonably be expected to comply, no matter how legitimate the matter or valid intentions of the requester.
- 1.4** 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.
- 1.5** The term request in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 1.6** Habitual or vexatious requests can be a problem for Council staff and members. The difficulty in handling such requests is that they are time consuming and wasteful of resources in terms of Officer and Councillor time. While the Parish Council endeavours to respond with patience and sympathy to the needs of all requesters there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.7** When dealing with any request the Parish Council should consider
- the burden complying with requests would bring on it
 - the motive of the requester
 - the value or serious purpose of the request
 - if dealing with the request would cause any harassment of or distress to staff
- 1.8** Raising of legitimate queries or criticisms of a request procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent requestor. Similarly, the fact that a requestor is unhappy with the outcome of a request and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 1.9** The aim of this policy is to contribute to the overall aim of dealing with all requests in ways which are demonstrably consistent, fair and reasonable.

2 Habitual or Vexatious Requesters

- 2.1** For the purpose of this policy the following definition of habitual or vexatious requesters will be used:
The repeated and/or obsessive pursuit of unreasonable requests and/or unrealistic outcomes and/or reasonable requests in an unreasonable manner.

- 2.2 Prior to considering its implementation the Parish Council will send a summary of this policy to the requester to give them prior notification of its possible implementation.**
- 2.3 Where requests continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Parish Council will seek agreement to treat the requester as a habitual or vexatious requester for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious requests.
- 2.4 The Clerk on behalf of the Parish Council will notify requesters, in writing, of the reasons why their request has been treated as habitual or vexatious and the action that will be taken. The North Somerset Unitary Councillor for the Ward will also be informed that a constituent has been designated as a habitual or vexatious requester.**
- 2.5 The status of the requester will be kept under review. If a requester subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3 Definitions

- 3.1 The Parish Council defines unreasonably persistent and vexatious requesters as those people who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of them or other people's requests. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular requester.
- 3.2 Examples include the way in which, or frequency with which requesters raise their issues and how requesters respond when informed of the Parish Council's decision about the request.
- 3.3 Features of an unreasonably persistent and/or vexatious requester include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious requester may:

- a) have insufficient or no grounds for their request and be making the request only to annoy (or for reasons that he or she does not admit or make obvious).
- b) refuse to specify the grounds of a request despite offers of assistance.
- c) refuse to co-operate with the request process while still wishing their request to be answered.
- d) refuse to accept that issues are not within the power of the Council to investigate, change or influence.
- e) make an unreasonable number of contacts with the Council, by any means in relation to a specific request.
- f) make persistent and unreasonable demands or expectations of staff after the unreasonableness has been explained to the requester (an example of this could be a requester who insists on immediate responses to questions, frequent and/or complex letters, telephone calls or e-mails).
- g) harass or verbally abuse or otherwise seek to intimidate staff dealing with their request, in relation to their request by use of foul or inappropriate language or by the use of offensive and racist language or publish their requests in other forms of media.
- h) raise subsidiary or new issues whilst a request is being addressed that were not part of the request at the start of the process.
- i) introduce trivial or irrelevant new information whilst the request is being addressed and expect this to be taken into account and commented on.
- j) change the substance or basis of the request without reasonable justification whilst the request is being addressed.
- k) deny statements he or she made at an earlier stage in the request.
- l) adopts a 'scattergun' approach, for instance, pursuing a request or requests not only with the Parish Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors.
- m) persistently approach the Parish Council through different routes or other persons about the same issue.
- n) persist in seeking an outcome which the Parish Council has explained is unrealistic for legal or policy (or other valid) reasons.
- o) refuse to accept documented evidence as factual.
- p) combine some or all of these features

4 Imposing Restrictions

- 4.1 The Parish Council will ensure that the request is being, or has been addressed properly.
- 4.2 In the first instance the Clerk will consult with the Chairman of the Council prior to issuing a warning to the requester. The Clerk will contact the requester in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.**

- 4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the requester advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Council and inform the requester in writing of what procedures have been put in place and for what period.**
- 4.4 Any restriction that is imposed on the requester's contact with the Parish Council will be appropriate and proportionate and the requester will be advised of the period of time over which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the requester and may include:
- banning the requester from sending emails to individuals and/or all Parish Council Officers and insisting they only correspond by postal letter.
 - requiring contact to take place with one named member of staff only
 - letting the requester know that the Parish Council will not respond to or acknowledge any further contact from them on the specific topic of that request (in this case, a designated member of staff will be identified who will read future correspondence from the requester.
- 4.6 When the decision has been taken to apply this policy to a requester, the Clerk will contact the requester in writing to explain:**
- why the decision has been taken.**
 - what action has been taken.**
 - the duration of that action.**
- 4.7 **The Clerk will enclose a copy of this policy in the letter to the complainant.**
- 4.8 Where a requester continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council may decide to refuse all contact with the requester and stop any investigation into his or her request.
- 4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. **In such cases, the requester may not be given prior warning of that action.**

5 New requests from requesters who are treated as abusive, vexatious or persistent

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk and the Chairman of the Parish Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor are ignoring genuine service requests or complaints where they are founded.
- 5.2 The fact that a requester is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

6 Review

- 6.1 The status of a requester judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Chairman of the Parish Council after three months and at the end of every subsequent **six** months within the period during which the policy is to apply.
- 6.2 **The requester will be informed of the result of this review if the decision to apply this policy has been changed or extended.**

7 Record Keeping

- 7.1 **The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:**
- the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the requester.
 - when the restrictions came into force and ends
 - what the restrictions are
 - when the person and Parish Council were advised.
- 7.2 **The Parish Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.**