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HULLBRIDGE PARISH COUNCIL VEXATIOUS REQUESTS and COMPLAINTS POLICY

A policy for dealing with abusive, persistent, or vexatious requests, and requesters. This policy can also be used for dealing with abusive, persistent, or vexatious complaints and complainants by substituting "request" and "requester" with the words "complaint" and "complainant" where appropriate.

Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of requesters, might be considered to be habitual or vexatious. The following forms the Parish Council's Policy for ways of responding to these situations.

- 1.1 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'.
- 1.2 Indicators that requests (which can be verbal, written, in person, via telephone or information technology) are vexatious are if:
 - a) they include abusive or aggressive language.
 - b) requesters can be said to bear a personal grudge or make completely unsubstantiated accusations against the Parish Council, individual Councillors, or specific employees.
 - c) requests from individuals are unreasonably persistent, frequent, or overlapping.
 - d) the effort required to meet the request will be so grossly oppressive or a 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.
- 1.3 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.
- 1.4 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and



any subsequent modification of this legislation. Reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

- 1.5 Habitual or vexatious requests can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Councillor time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.6 When dealing with any request the Parish Council will consider:
 - a) the burden complying with requests would bring on it.
 - b) the motive of the requester.
 - c) the value or serious purpose of the request.
 - d) if dealing with the request would cause any harassment of or distress to employees
- 1.7 Raising of legitimate queries or criticisms of the progress of a request, 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.
- 1.8 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 Requestors

- 2.1 For the purpose of this policy the following definitions of habitual or vexatious requestors 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 Clerk or Chair will send a copy of this policy to the complainant 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 Clerk or Chair will seek agreement from Councillors 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 requestors, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.
- 2.5 The status of the requestor will be kept under review. If a requestor subsequently demonstrates a more reasonable approach, then their status will be reviewed. See 6.1.

3 Definitions

- 3.1 Hullbridge Parish Council defines unreasonably persistent and vexatious requestors as those people who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's requests. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular requestor.
- 3.2 Examples include the way in which, or frequency with which, requestors raise their issues and how requestors respond when informed of the Council's decision about the request.
- 3.3 Features of an unreasonably persistent and/or vexatious complainant 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 requestor may:

- 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).
- refuse to specify the grounds of a request despite offers of assistance
- refuse to co-operate with the request investigation process while still wishing their request to be resolved.
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence
- Insist on the request being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting what there must not be any written record of the request).



- make what appear to be groundless complaints about the staff dealing with the requests, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific request or requests.
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the requestor (an example of this could be a requestor who insists on immediate responses to questions, frequent and/or complex letters, telephone calls or e-mails).
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their request, in relation to their complaint 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.
- raise subsidiary or new issues whilst a request is being addressed that were not part of the request at the start of the request process.
- introduce trivial or irrelevant new information whilst the request is being investigated and expect this to be taken into account and commented on.
- change the substance or basis of the request without reasonable justification whilst the request is being addressed.
- deny statements he or she made at an earlier stage in the request process.
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- adopts a 'scattergun' approach, for instance, pursuing a request or requests not only with the 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.
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- make the same request repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' requests which should be put through the full complaints procedure.
- persistently approach the Council through different routes or other persons about the same issue.
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons.
- refuse to accept documented evidence as factual.



- complain about or challenge an issue based on an historic and/or an irreversible decision or incident. combine some or all of these features.

Imposing Restrictions

- 4.1 The Parish Clerk or Chair will ensure that the request is being or has been addressed in accordance with policy and relevant regulations.
- 4.2 In the first instance the Clerk or Chair (in their absence the Vice Chairman) will consult with the Council prior to issuing a warning to the requester. The Clerk or Chair will contact the requester in writing (sent by signed for delivery), provide them with a copy of the Vexatious Requests & Complaints Policy, explain why this behaviour is causing concern and ask them to change this behaviour.
- 4.3 If the disruptive behaviour continues, the Clerk or Chair will issue a reminder letter sent by signed for delivery 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 or Chair will make this decision in consultation with the Council and inform the requester in writing of the procedures that have been applied and for what period. The letter will state:
 - a) why the decision has been taken.
 - b) what action has been taken.
 - c) the duration of that action.
 - d) how they can appeal against the decision.
- 4.4 Any restriction that is imposed on the requestors contact with the Council will be appropriate and proportionate and the requestor 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, or at the next Full Council Meeting.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor.
 - banning the complainant from sending emails to individuals and/or all Council Officers/Councillors and insisting they only correspond by postal letter.
 - restricting telephone calls to specified days and/or times and/or duration



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requiring any personal contact to take place in the presence of an appropriate witness.

- letting the requestor know that the Parish Council will not respond to or acknowledge any further contact from them on the specific topic of that complaint.

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant 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 requestor.

4.8 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council and the Chairman of the Complaints Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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 complainant may not be given prior warning of that action.

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

5.1 New requests from people who have come under this policy will be treated on their merits. The Clerk, the Chair of the Parish Council in conjunction with the Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new request. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a requestor 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 at the discretion of the Clerk or Chair

6 Review

6.1 The status of a requestor judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, the Chair of the Parish Council and the Council after three months and at the end of every subsequent three months within the period during which the policy is to apply, or by the next Full Council Meeting.



6.2 The requestor 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 requestor.
- when the restrictions came into force and ends
- what the restrictions are
- when the person and Council were advised.

7.2 Full 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 as a confidential matter.

8 Appeals

8.1 Appeals against the Council's decision can be made to the Council in writing within 5 working days of the receipt of the decision. The Council will review the decision and address any points made in the Appeal correspondence. The outcome of this review will be final.