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Wheldrake Parish Council

VEXATIOUS COMMUNICATION POLICY

Approved: 30/10/2024

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Next Review: November 2026

This policy sets out Council's stance on vexatious or abusive complaints, demands and/or repeated requests for information including Freedom of Information requests and how they will be dealt with.

Vexatious or Abusive Complaints/Freedom of Information Requests

Most complainants or people making Freedom of Information requests behave in legitimate ways. A very small minority make complaints/requests that are vexatious, in that they persist unreasonably with their complaints/requests, or make complaints/requests in order to make life difficult for the Council rather than genuinely to resolve a grievance.

The Council recognises that it is important to distinguish between people who make a number of complaints/requests because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the council. It is acknowledged that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.

It is not necessary to meet a person's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the person's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council need to address such behaviour.

Where the Clerk is of the view that complaints, requests or persons could be identified as vexatious (in accordance with the criteria set out in Appendix 1), the Clerk will refer the matter to the Staffing Committee for a decision and their determination of what action to take. The Clerk will implement such action and will notify the complainant that their complaint/request is considered as vexatious and what action that will be taken. This notification will be copied to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

The Council may deal with vexatious complaints/requests in one or more of the following ways:

- In a letter, setting out a code of commitment and responsibilities for the parties involved if the Parish Council is to continue processing

the complaint/request. If these terms are contravened, consideration will then be given to implementing other action as indicated below.

- Decline contact with the complainant, either in person, by telephone, fax, email or any combination of these, provided that one form of contact is maintained which will usually be by conventional post (letter).

- Notify the complainant/requestor in writing that the Council has responded to the points raised and tried to resolve the complaint/request but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/requestor will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint/request.

- Inform the complainant/requestor that the Council intends to seek legal advice on unreasonable or vexatious complaints/requests and behaviour.

- Temporarily suspend all contact with the complainant/requestor in connection with the issues relating to the complaint/request being considered.

Restricting Contact

Any restrictions will be appropriate and proportionate to the nature of the person's contacts with the Council at the time such as:

- Placing time limits on telephone conversations and personal contacts;

- Limiting the person to one form of contact (letter);

- Requiring the person to communicate only with one named employee/member;

- If a complaint is currently going through the Council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;

- Closing the investigation into a complaint;

- Refusing to register and process further complaints/requests providing the person with acknowledgements only;

- Banning a person from the Council's premises;

- Involving the police where the person is believed to have committed a criminal offence (harassment, assault or criminal

damage), where assault is threatened, or the complainant refuses to leave council premises.

The Clerk will inform the complainant/requestor in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.

There should never be a blanket ban for an unspecified period of time unless the Council is legally required to do so following a police investigation. The Council should always try to maintain one form of contact which will normally be by way of conventional post (letter). In extreme situations the Council will tell the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, Council employees, councillors and co-opted members do not suffer any disadvantage or undue stress and the resources of the Council are used as effectively as possible.

Threatening and Abusive People and Harassment

We do not expect staff or members to tolerate unacceptable behaviour by people which causes or may cause undue stress. The Council believes that harassment is totally unacceptable. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally, on the staff or members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours the staff or members affected should step away from the situation and the person asked to leave the premises where appropriate.

This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the person should be asked to leave the premises.

All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

Any complainant/requestor who threatens or uses physical violence towards staff or members will receive written confirmation that they are being treated as a vexatious complainant/requestor and informed of the action that will be taken.

Legal References

Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and members.

Appendix 1

Definition of a Vexatious Complainant/Requestor

This definition applies equally to someone making a complaint and to someone making a request for information.

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria:

* Persist in pursuing a complaint/request where the Council's Complaints Procedure or the Freedom of Information procedure has been fully implemented & exhausted.

* Persistently change the substance of a complaint/request or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response.

* Are repeatedly unwilling to accept evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

* Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts of the Council to address their concerns, and/or where the concerns identified are not within the remit of the Council.

* If the complaint/request is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.

* Regularly focus on a trivial matter to an extent which is out of proportion to its significance. It is recognised that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints.

* Have threatened or used physical violence towards staff or members at any time.

* Have had an excessive number of contacts with the Council - placing unreasonable demands on staff or members. Discretion will be used in determining the precise of number of excessive contacts applicable under this

section, using judgement based on the specific circumstances of each individual case.

* Have harassed or been personally abusive or verbally aggressive towards staff or members dealing with the complaint/grievance. The Council recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and should make reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour will be documented.

* Have harassed or been personally abusive or verbally aggressive towards any Members of the Council (Councillors) or co-opted members whether this has been on a face-to-face contact or at public meetings.

* Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or Councillors with the objective of soliciting information for whatever purpose.

* Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

* Repeatedly raise grievances which are already proven to be without substance or foundation.

Author: Graeme Urwin October 22nd, 2024

Adopted by Council;

Review date: