



Battle Town Council



VEXATIOUS OR UNREASONABLE REQUEST POLICY

1. Introduction

Battle Town Council is committed to providing a high standard of service to all. When a complaint is lodged, the Council aims to respond fairly and expeditiously. Most complaints are pursued in a reasonable and legitimate manner. Unfortunately, a very small minority complain persistently or make repeated requests that are considered vexatious or abusive.

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.

2. Consideration of complaint

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 those 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 raised in an unreasonable letter. Judgement is required to separate legitimate queries from those that are unreasonable. Responses will be considered and responded to tactfully and sympathetically. If the person's persistence adversely affects the Council's ability to do its work and provide a service to others, Council needs 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 Council for a decision on what action to take. The Clerk will implement such action and will notify the complainant if their complaint/request is considered as vexatious and what action will be taken.

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

- Once it has been determined that a complainant meets one of the criteria in Appendix 1, it may be appropriate to inform them in writing that they are at risk of being classified as vexatious. A copy of this policy will be sent, advising them to take account of the criteria in any future dealings with the Council.
- A letter or email may be sent, setting out the respective responsibilities of the parties involved if the 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 further 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 Clerk and/or 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 ~~Clerk~~ 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.

If a group of individuals are identified to be acting in a co-ordinated manner, so as to avoid any one individual being identified as acting in a vexatious or unreasonable manner, the Council will consider if a collective number of individuals should be deemed as vexatious. All members of the group will receive the same response, determined as above and will all be and entered on the register.

4. 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 **notify** 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.

5. Threatening and Abusive People and Harassment

Council does 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 and 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 contact 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.

6. 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.

7. Record keeping

The Clerk will retain adequate records of the details of any case and action taken. Information recorded will include:

- Name & address of each member of the public who is identified as abusive, vexatious or persistent and any other person who aids the complainant
- Date of commencement of restriction and end date
- Detail of any restriction imposed
- Dates when the complainant and Council are advised.

Appendix 1

Definition of a Vexatious Complainant or unreasonable 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. Their contacts may be amicable but are often not and in either case place a heavy demand on staff time.
- * 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 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 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 recognises, 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.