

# **Abusive, Persistent or Vexatious Requests Complaints and Complainants Policy**

A policy for the management of abusive, unreasonably persistent / habitual, or vexatious requests, and requesters. This policy can also be used for the management of abusive, persistent, or vexatious complaints and complainants by substituting “request” and “requester” with the words “complaint” and “complainant” where appropriate.

## **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 forms the Parish Council’s policy for ways of responding to these situations.

1.2 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 (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.

1.4 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, and any subsequent modification of this legislation.

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 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.

1.8 Raising of legitimate queries, or the criticism 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 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 while ensuring that others e.g. Staff, Councillors or the Council as a whole suffer no detriment.

## **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 Clerk will send a copy 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 Clerk will seek agreement from the Chair or Vice Chair to treat the requester as a habitual or vexatious requester. Subject to the agreement of the Chair or Vice Chair the Clerk will provide the requester with a copy of this policy and inform them that the Council will not respond to or acknowledge any further contact from them on the specific topic until the Parish Council has determined 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 or the Chair (if appropriate) 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.

2.5 The status of the requester, including their compliance with any restrictions issued under this policy, will be kept under review. If a requester subsequently demonstrates a more reasonable approach, then their status will be reviewed. See 6.1.

## **3. Definitions**

3.1 Hartlebury 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 their or other people's requests. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a 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 such as:

- Having insufficient or no grounds for their complaint and making the complaint to annoy;
- Refusing to specify the grounds of a complaint, despite offers of assistance;

- Refusing to cooperate with the complaints investigation process;
- Refusing to accept that certain issues are not within the remit of the complaints policy despite having been provided with information about the scope of the policy/ procedure;
- Refusing to accept that issues are not within the power of the Council to investigate, change or influence;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising many detailed but unimportant questions, and insisting they are all answered;
- Submitting falsified documents from themselves or others;
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations e.g. M. P's, Councillors, Council's independent auditor;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, frequent and/or complex letters, emails or other social media communications and expecting immediate responses;
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence;
- Complain about or challenge an issue based on an historic and/or an irreversible decision or incident.
- Speaking to the member of staff in a derogatory manner which causes offence, swearing, either verbally or in writing despite being asked to refrain from using such language;
- Using threatening language or behaviour towards Council staff which provokes fear;
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed.

#### **4. Imposing Restrictions**

4.1 The Clerk will ensure that the request is being or has been addressed in accordance with policy and relevant regulations.

4.2 The Parish Council will consider, in private, whether the request is habitual or vexatious in accordance with the criteria set out in Section 3. The Clerk or Chairman (if appropriate) will contact the requester to inform them of the Parish Council's decision and explain why this behaviour is causing concern.

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.

4.3. 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 over which 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 every two months.

4.4 Restrictions will be tailored to deal with the individual circumstances of the requester and may include one or a combination of the below measures:

- Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf;
- Banning the complainant from sending emails to individual and/or all Council staff or Councillors and insisting they only correspond by letter;
- Requiring contact to take place with one named member of staff or Councillor only (with a named deputy in their absence);
- Restricting telephone calls to specified days and/or times and/or duration;
- Requiring any personal contact to take place in the presence of an appropriate witness.
- 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.

4.5 Where a requester continues to behave in a way that is unacceptable, the Clerk, in consultation with the Council, may decide to refuse all contact with the requester and stop any investigation into his or her request.

4.6 Where the behaviour is so extreme or it threatens the immediate safety and welfare of employees or Councillors, 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 requests from people whose contact has triggered this policy will be treated on their merits. The Clerk together 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 is 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 at the discretion of the Clerk or Chairman.

## **6. Review**

6.1 The status of a requester judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Council after two months and at the end of every subsequent two 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:

- a) 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.
- b) when the restrictions came into force and end.
- c) what the restrictions are.
- d) when the person was advised.