

WRAXALL and FAILAND PARISH COUNCIL

Vexatious Correspondence and Complaints Policy

Introduction

A small minority of people will correspond with, or complain to, Wraxall and Failand Parish Council in a way that could reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resources and can result in unacceptable stress for the Clerk and Councillors.

This procedure is designed to address vexatious correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents. It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement, and it is designed to ensure that the rights of service users are protected, while ensuring that scarce resources are used fairly and effectively, and that the Clerk and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints. This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

1 Defining vexatious correspondence or complaints

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

1.1 Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;

1.2 Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;

1.3 Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner;

1.4 A 'scatter gun' approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the MP, the Chairman of the Council, other Councillors and external regulators;

1.5 Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

2 Using the procedure

2.1 If the Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should form a sub-committee consisting of the Chair and two members of the Council;

2.2 If the sub-committee agrees with the assessment, they should prepare a brief statement of why the sub-committee considers the complaint or correspondence to be vexatious, including its effect upon the Clerk, Councillors and/or the villages. This should be accompanied by a list of correspondence over the last 6 months via email, telephone and letter, including information about whom the correspondence was addressed to, how many people/organisations it was copied to on each occasion, and a one-line description of each piece of correspondence.

3 Handling correspondence and complaints that have been assessed as vexatious

3.1 The first step will be for the Chair to inform the correspondent informally that his/her behaviour is considered by the Council to be unreasonable or unacceptable, and request a changed approach.

3.2 If there is no improvement in behaviour the Council will write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious and giving the reason for that decision, along with a copy of the Vexatious Correspondence and Complaints Policy. The letter should state that any future correspondence will be passed direct to the sub-committee who will consider whether it raises any substantive new issue(s). The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response. They should be advised that the decision will be reviewed in six months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious. There is no route of appeal against the decision that a complaint or correspondence is vexatious;

3.2 Any future correspondence should be passed to the sub-committee for consideration. If they decide that it raises no genuinely new and substantive issues, no response is required. If they consider it to be appropriate, they may acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent;

3.3 If future correspondence does raise significant new issues, it should be responded to. It may be appropriate for the response to be routed via the Chair in order to prevent the renewal of 'scattergun' correspondence.

4 Other considerations

4.1 Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the complainant simply refusing to take no for an answer, and the Council has the option of ending all communication with the complainant, and where

appropriate referring the complainant to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

4.2 The decision to designate someone as a vexatious complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied Councillors should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint;
- or that the way in which the complainant has acted is unreasonable.

5 Reviewing the decision

5.1 Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The sub-committee should meet to consider whether there has been any improvement in the vexatious behaviour over that time. The Chair should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed every six months.

6 Further advice and guidance

6.1 Defining complaints and/or correspondence as vexatious is a very serious step and should only be undertaken as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence-based and reviewed regularly.

6.2 Any concerns about a particular correspondent should be discussed with the Chair in the first instance. In connection with this policy Wraxall and Failand Parish Council is also committed to its Data Protection Policy and its obligations under the Freedom of Information Act 2000.

This Policy was approved and adopted by Wraxall and Failand Parish Council at a Meeting held on 14th February 2017 and will be reviewed annually.