

**Vexatious Requests/Complaints**

Policy Document BTC/018/VEX

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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.

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 Town Council’s policy for ways of responding to these situations.

1.2 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 purely to cause annoyance to the defendant’

1.3 Indicators that requests [which can be verbal (written or spoken), in person, by telephone or via 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 Town 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 of strain on time and resources, that the Town 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 Town 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 Town Council should 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 staff.

1.8 Raising of legitimate queries or criticisms of a request procedure as it progresses, 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.

2. Habitual or Vexatious Requesters

2.1 For the purpose of this policy the following definitions 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 Town 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 Town Clerk will seek agreement 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 Town Council 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 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 Bewdley Town 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 them or other people's requests. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular 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 Town Council's decision about the request.

4. Imposing Restrictions

4.1 The Town Clerk will ensure that the request is being, or has been addressed properly.

4.2 In the first instance the Town Clerk will consult with the Chairman of the Policy and Resources Committee prior to issuing a warning to the requester. The Clerk will contact the requester in writing (sent by signed for delivery), provide them with a copy of the Vexatious Request Policy, explain why this behaviour is causing concern and ask them to change this behaviour.

4.3 If the disruptive behaviour continues, the Clerk will issue a further letter, sent by signed for delivery to the requester advising them that the way in which they will be allowed to contact the Town Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Policy and Resources Committee and inform the requester in writing of what procedures have been put in place 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 requester's contact with the Town Council will be appropriate and proportionate and the requester will be advised of the period of time 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 on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the requester and may include:

a) banning the requester from sending emails to individuals and/or all Town Council Officers and insisting they only correspond by postal letter. b) requiring contact to take place with one named member of staff only c) letting the requester know that the Town Council will not respond to or acknowledge any further contact from them on the specific topic of that request (in this case, a designated member of staff will be identified who will read future correspondence from the requester).

4.6 Where a requester continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Policy and Resources Committee may decide to refuse all contact with the requester and stop any investigation into his or her request.

4.7 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 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 and the Chairman of the Policy and Resources Committee 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.

6. Review

6.1 The status of a requester judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Chairman of the Policy and Resources Committee after three months and at the end of every subsequent three 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.

7.2 The Policy and Resources Committee 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 appeals procedure will be based on the process set out in para 3.5 of the Council's Grievance Procedure (BTC/009/GR).