



## **Policy and Procedure for Vexatious Complaints and Actions**

### **Purpose of this policy**

A small number of people contact the Parish Council with questions, comments and criticisms that might reasonably be described as obsessive, harassing or repetitive. Whilst motives for this behaviour can vary, it is often designed to delay or frustrate progress towards objectives that they disagree with. Responding in these circumstances takes up a disproportionate amount of time and resource and ultimately, cost to residents. Often answers to queries can be found within minutes of meetings or documents on the website.

Vexatious complaints are not fair to the ratepayer, the Clerk, any councillors that might be singled out or residents with genuine concerns.

It is easy to coordinate a small percentage of Farnsfield residents, exaggerating their importance and deliberately frustrating the objectives of democratically elected councillors without having to take on any responsibility themselves. Councillors must be able to form their own opinions without fear of unfair or vicious social media comments that they are not in a position to answer.

However, it is crucial that residents are listened to and their concerns are addressed and so the Parish Council has to ensure that an appropriate balance is achieved.

### **Defining vexatious correspondence or complaints**

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

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or; displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;
- Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner;
- 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;
- Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

### **Using the procedure**

A committee shall be formed consisting of the Chair and two members of the council and the Clerk. If the clerk or councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should first discuss their concerns with the committee. If the committee agrees with the assessment, they should prepare a brief statement of why the committee considers the complaint or correspondence to be vexatious, including its effect upon the clerk, councillors and/or the village. This should be accompanied by a list of correspondence over the last 6 months, via email, telephone, letter and social media including information about whom the correspondence was



addressed to, how many people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.

### **Handling correspondence and complaints that have been assessed as vexatious**

The first step will be for the chair to 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. The letter should state that any future correspondence will be passed direct to the 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 6 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.

Any future correspondence should be passed to the 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.

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 “scatter gun” correspondence.

### **Reviewing the decision**

Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The 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.

### **Further advice and guidance**

Please bear in mind that defining complaints and/or correspondence as vexatious is a very serious step, and only 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.

If you have concerns about a particular correspondent, please discuss them with the Chair. Please do not hesitate to contact him/her to discuss specific issues or questions.