

Millbrook Parish Council Vexatious Communications Policy

A policy for dealing with abusive, persistent or vexatious communication and parishioners.

1. Introduction

- 1.1 This policy identifies situations where a parishioner, either individually or as part of a group, or a group of parishioners, might be considered to be habitual or vexatious. The following clauses form the Council 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 without sufficient grounds for winning, purely to cause annoyance to the defendant'. 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.
- 1.3 Requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the complaints procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 1.4 Habitual or vexatious communication can be a problem for Council staff and members. The difficulty managing such parishioners is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all parishioners there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.5 Raising of legitimate queries or criticisms of a complaints 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 parishioner. Similarly, the fact that a parishioner is unhappy with the outcome of a service requests or complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The aim of this policy is to contribute to the overall aim of dealing with all parishioners in ways which are demonstrably consistent, fair and reasonable.

2. Habitual or Vexatious Parishioners

- 2.1 For the purpose of this policy the following definitions of habitual or vexatious parishioners will be used: The repeated and/or obsessive pursuit of:

- (1) unreasonable service requests or complaints and/or unrealistic outcomes, and/or*
- (2) reasonable service requests or complaints in an unreasonable manner.*

- 2.2 Prior to considering its implementation the Council will send a *summary* of this policy to the parishioner to give them prior notification of its possible implementation.
- 2.3 Where communication continues and has been identified as habitual or vexatious in accordance with the criteria set out in Section 3, Council Officers will seek agreement to treat the parishioner as a habitual or vexatious parishioner for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious communication or complaints.
- 2.4 The Clerk on behalf of the Council will notify vexatious parishioner, in writing, of the reasons why their communising has been treated as habitual or vexatious and the action that will be taken. County /Unitary Councillors for Millbrook Parish Council will also be informed that a constituent has been designated as an habitual or vexatious parishioner.
- 2.5 The status of the parishioner will be kept under review. If a parishioner subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3. Definitions

- 3.1 Millbrook Parish Council defines unreasonably persistent and vexatious parishioners as those parishioners who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's concerns or complaints. The description 'unreasonably persistent' and 'vexatious may apply separately or jointly to a particular parishioner.
- 3.2 Examples include the way in which, or frequency with which, parishioners communicate with staff or how parishioners respond when informed of the Council's decision about the compliant.
- 3.3 Features of an unreasonably persistent and/or vexatious parishioner include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious parishioner may:

- have insufficient or no grounds for their communication and be making the complaint only to annoy (or for reasons that they do not admit or make obvious)
- refuse to specify the grounds of a concern despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved

- refuse to accept that issues are not within the remit of the Complaints policy and procedure despite having been provided with information about the scope of the policy and procedure refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on a complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with a complaint, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific service request, complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the parishioner (an example of this could be a parishioner who insists on immediate responses to questions, frequent and/or complex letters, telephone calls or e-mails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their service requests or complaint, by use of foul or inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst a complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of a complaint without reasonable justification whilst the complaint is being addressed
- deny statements they made at an earlier stage in the complaint process
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a service requests, complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given

- make the same service requests or complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or irreversible decision or incident
- combine some or all these features

4. Imposing Restrictions

- 4.1 The Council will ensure that a complaint is being, or has been, investigated properly according to the adopted complaints procedure.
- 4.2 In the first instance the Clerk will consult with the Chair of the Council and prior to issuing a warning to the person persistently corresponding. The Clerk will contact the parishioner in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.
- 4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the parishioner advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the Chair of the Council and inform the parishioner in writing of what procedures have been put in place and for what period.
- 4.4 Any restriction that is imposed on the parishioner's contact with the Council will be appropriate and proportionate and the parishioner will be advised of the period of time over which that 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, or at the next Full Council Meeting.

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

- banning the parishioner 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 parishioner from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
- requiring contact to take place with one named member of staff only
- 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 parishioner know that the Council will not reply to or acknowledge any further contact from them on the specific topic of service requests or complaint (in this case, a designated member of staff will be identified as point of contact).

4.6 When the decision has been taken to apply this policy to a parishioner, the Clerk will contact the parishioner in writing to explain:

- why the decision has been taken
- what action has been taken
- the duration of that action.

4.7 The Clerk will enclose a copy of this policy in the letter to the parishioner.

4.8 Where a parishioner continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chair of the Council may decide to refuse all contact with the parishioner and stop any investigation into his or her service requests or complaint.

4.9 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 parishioner may not be given prior warning of that action.

5. New communication from members of public who are treated as abusive, vexatious, or persistent

5.1 New communication or complaints from people who have come under this policy will be treated on their merits. The Clerk and the Chair of the Council will decide whether any

restrictions that have been applied before are still appropriate and necessary in relation to the new communication or complaint. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

- 5.2 The fact that a parishioner 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.

6. Review

- 6.1 The status of a parishioner judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Chair of the Council, after three months, and at the end of every subsequent three months within the period during which the policy is to apply, or by the next Full Council Meeting.
- 6.2 The parishioner 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:
- 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 parishioner
 - when the restrictions came into force and ends
 - what the restrictions are
 - when the person and Council were advised.
- 7.2 Full Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

Adopted / Reviewed	Minute	Date
Re-affirmed	108.3	21/10/2025
Adopted	102.1	15/10/2024