

GODMANCHESTER TOWN COUNCIL

Persistent and Vexatious Complaints

**This policy was formally adopted by the Town
Council at the Town Council meeting held February
2019**

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Cllr Sarah Conboy

TOWN MAYOR

Introduction

This policy sets out Godmanchester Town Council's stance on persistent, vexatious or abusive complaints, demands and/or repeated requests for information including Freedom of Information requests, and how they will be dealt with. Such correspondence/communications from a minority of individuals takes up a disproportionate amount of resources and can result in unacceptable stress for the Clerk and Councillors.

It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement. It is designed to ensure that the rights of service users are protected, whilst 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 persistent or vexatious communications and complaints.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

1. Defining persistent and vexatious communications or complaints

Persistent or Vexatious complaints and communications 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;
- Repeated and/or frequent requests for information, whether or not those requests are made under the Freedom of Information Act 2000.

2. Using the procedure

If the Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be persistent or vexatious, they should form a working group consisting of the Mayor or Deputy Mayor and two members of the Council.

If the working group agree with the assessment, they should prepare a paper for the full Council stating why they consider the complaint or communications to be persistent or vexatious, including its effect upon the Clerk, Councillors and/or the town. This should include a list of communications over the last 3 – 6 months via email, telephone and letter, including information about whom the communications were addressed to, how many people/organisations were copied in on each occasion, and a brief description of each item of communication.

3. Handling communications and complaints that have been assessed as persistent or vexatious

If the Council agree with the assessment that the complaints meet the criteria of being persistent and/or vexatious, the Clerk will write to the correspondent advising them that their complaint and/or

communications have been determined to be persistent or vexatious and giving the reason for that decision. The letter should state that any future correspondence will be considered to see whether it raises any substantive new issue(s). The correspondent should be advised that if no substantive new issue is raised, any future communications will not receive a response.

There is no route of appeal against the decision that a complaint or communications is persistent or vexatious.

Any future correspondence will be passed to the working group for consideration. They will report to the Council who will decide whether any genuinely new and substantive issues have been raised. If there are none, then no response is required. If the Council consider it to be appropriate, they may ask the Clerk to acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their communications has been determined to be persistent or vexatious. After that, however, no response or acknowledgement should be sent.

If future correspondence does raise significant new issues, it should be considered and responded to.

All responses and communications should come from the Clerk in order to prevent 'scattergun' correspondence.

4. Further advice and guidance

Defining complaints and/or communications as persistent or vexatious is a very serious step and only undertaken as a last resort. For that reason, it is essential that a decision to treat communications or complaints as persistent or vexatious is evidence-based and taken by the whole Council.

Any concerns about a particular correspondent should be discussed with the Mayor in the first instance.

In connection with this policy Godmanchester Town Council is also committed to its Data Protection Policy.

Amendment History:

Paragraph	Detail	Approval Date
Original	Initial Version	February 2019
Review Due		February 2022