

Aiskew & Leeming Bar Parish Council

Vexatious Correspondence Policy

(YLCA Template Document)

Adopted Date: 20 May 2026

Review Date: May 2027 (Or unless significant change prior).

Signed.....

Name.....

Date.....

This policy sets out the Council's stance on vexatious or abusive complaints, demands and correspondence and how they will be dealt with.

Requests for information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, will be dealt with according to those legislative provisions and using guidance provided by the Information Commissioner's Office

Most complainants behave in legitimate ways. A very small minority make complaints or send correspondence that are vexatious, in that they persist unreasonably with their mission, or make complaints, correspond with the authority in order to make life difficult for the it rather than genuinely to resolve a grievance.

The Council recognises that it is important to distinguish between people who make a number of complaints or correspond frequently because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the council. It is acknowledged that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.

It is not necessary to meet a person's unreasonable demands, or to answer every single point in a correspondence. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often within the same complaint or correspondence. Skill will be required to respond tactfully and sympathetically. If the person's persistence adversely affects the Council's ability to do its work and provide a service to others, the Council needs to address such behaviour.

Where the Clerk is of the view that complaints or correspondence could be identified as vexatious (in accordance with the criteria set out in Appendix 1), the officer will refer the matter to the Review Panel [or whichever committee is delegated the task] for a decision and their determination of what action to take. The Clerk will implement such action and will notify the complainant that their complaint/correspondence is considered vexatious and what action will be taken. This notification will be copied to all councillors and a record kept of the reasons why a complaint/correspondence has been classified as vexatious.

The Council will normally deal with complaints under its complaints procedure but if it finds that it cannot do that for a justified reason it may take action as defined below. The council will where possible, attempt informal resolve by holding a facilitated meeting with the complainant/correspondent to bring matters to a satisfactory conclusion for all.

If such measures have failed, the council may resolve that the complaints and correspondence are vexatious and may select one or more of the actions below, or resolve an alternative, reasonable action:

- Decline contact with the complainant, either in person, by telephone, e-mail or any combination of these, provided that one form of contact is maintained for legitimate complaints/correspondences which will usually be by letter, hand delivered or sent via conventional mail.

- Notify the complainant/correspondent in writing that the Council has responded to the points raised and tried to resolve the issue but there is nothing more to add, and continuing contact on the matter will serve no useful purpose. The complainant/correspondent will be notified that the Council does not intend to engage in further correspondence dealing with the subject(s).

- Inform the complainant/correspondent that the Council intends to seek legal advice on unreasonable or vexatious complaints/correspondence and behaviour.

Restricting contact with the Council and or a council officer

Any restrictions will be appropriate and proportionate to the nature of the person's contacts with the Council at the time and will be a final course of action to take when other measures have failed.

The Clerk will inform the complainant/correspondent in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.

There should never be a blanket ban for an unspecified period of time unless the Council is legally required to do so following a police investigation. The Council should always try to maintain one form of contact which will normally be by way of conventional post (letter). In extreme situations the Council will tell the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, council employees and councillors do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible.

Threatening and abusive people and harassment

The council does not expect staff or members to tolerate unacceptable behaviour by people which causes or may cause undue stress. The council believes that harassment is totally unacceptable. The council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally, on the staff or members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours the staff or members affected should step away from the situation and the person asked to leave the premises where appropriate.

This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the person should be asked to leave the premises.

All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

Any complainant/correspondent who threatens or uses physical violence towards staff or members will be reported to the police.

Appendix 1

Definition of a vexatious complaint/correspondent

This definition applies equally to someone making a complaint and to someone repeatedly and unreasonably corresponding with the council on a specific matter or range of matters

Complaints/correspondence may be deemed to be vexatious or in some cases, deemed to be a campaign against the council, where they meet one or more of the following criteria:

- Are repetitive and the correspondent persists in pursuing the matter where the council's complaints procedure has been fully implemented and exhausted.
- The correspondent is repeatedly unwilling to accept evidence given by the council as being factual, or denies receipt of an adequate response, in spite of the council specifically answering their questions.
- * The correspondent repeatedly does not clearly identify the precise issues of concern despite reasonable efforts of the council to address their concerns, and/or where the concerns identified are not within the remit of the council.
- * If the complaint/correspondence is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.
- * Regularly focus on a trivial matter to an extent which is out of proportion to its significance. It is recognised that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints.
- * Are excessive in number and place unreasonable demands on staff or members causing disruption to the day to day work of the council. Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.