



## **VEXATIOUS COMPLAINTS AND CORRESPONDENCE POLICY**

### **1. Purpose**

Aldbourn Parish Council is committed to dealing with all complaints, requests, and correspondence in a fair, transparent, and timely manner. However, in some cases, individuals may pursue matters unreasonably, excessively, or in a way that disrupts Council operations. This policy outlines how the Council will manage vexatious complaints and correspondence while ensuring compliance with relevant legislation.

### **2. Scope**

This policy applies to:

- Complaints made under the Council's complaints procedure.
- General correspondence and requests, including Freedom of Information (FOI) and Subject Access Requests (SARs).
- Unreasonable, persistent, or inappropriate contact from individuals via any communication method (e.g., email, telephone, social media, or in person).

### **3. Relevant Legislation**

This policy operates in accordance with:

- Freedom of Information Act 2000 (FOIA) - allowing individuals to request information from the Council.
- General Data Protection Regulation (GDPR) and Data Protection Act 2018 - governing personal data requests and processing.
- Local Government Act 1972 - setting out the duties and powers of parish councils.

Under the FOIA (Section 14), the Council is not obliged to comply with a request if it is considered vexatious. Similarly, the GDPR allows the Council to refuse data requests that are "manifestly unfounded or excessive."

#### **4. Definition of Vexatious Complaints and Correspondence**

A complaint or correspondence may be deemed **vexatious** if:

- It is persistent and has been fully addressed but continues to be raised.
- It is designed to harass, disrupt, or cause disproportionate inconvenience.
- It includes abusive, threatening, or offensive language.
- It refuses to specify complaint details or cooperate while demanding resolution.
- It makes baseless complaints about staff or demands their replacement.
- It raises unrelated, trivial, or changing issues mid-investigation.
- It denies previous statements, records conversations without consent, or pursues complaints through multiple channels simultaneously.
- It challenges historic irreversible decisions.
- It unreasonably demands resources beyond what is necessary to resolve the issue.
- It is in relation to issues outside the complaints policy, Council's authority, or standard procedures.
- Exhibit multiple of these behaviours.

#### **5. Handling Vexatious Complaints and Correspondence**

##### **5.1 Initial Assessment**

- All complaints and correspondence will be reviewed fairly under the Council's standard complaints procedures.
- If an issue has been previously addressed and no new evidence is provided, it may be deemed vexatious.
- If necessary, legal or professional advice may be sought.

##### **5.2 Formal Decision**

If a complaint or correspondence is deemed vexatious:

- The complainant will be notified in writing, explaining why their issue has been classified as such.
- The Council may set communication restrictions, such as limiting contact to a single point of contact or refusing further engagement on the matter.
- The complainant will be informed of their right to appeal the decision.

### **5.3 Managing Further Contact**

Depending on the circumstances, the Council may:

- Limit correspondence to a designated contact method or specific times.
- Decline to respond to further communications on the same issue unless new, relevant information is provided.
- Refuse requests under FOIA or GDPR if they are manifestly excessive, citing relevant legal grounds.

### **5.4 Right to Appeal**

- The complainant may submit an appeal in writing within 14 days of being notified of the decision.
- The appeal will be reviewed by a panel of three Councillors not previously involved within 28 days.
- The panel's decision will be final.

### **6. Review of Vexatious Status**

- If a complainant's behaviour improves, the Council may reconsider its decision after 6 months.
- The complainant will be notified if any restrictions are lifted.

### **7. Record Keeping**

A record of all vexatious complaints will be maintained by the Parish Clerk. This will include:

- The name and address of the person or persons who have been subject to this policy.
- When any restrictions came into force and when they are due to end.
- What the restrictions are in relation to and what they are.
- When the complainant and Council were advised.

### **8. Policy Review**

This policy will be reviewed every five years or in response to legislative changes to ensure it remains fair, effective, and compliant with legislation.

**Adopted on:** Wednesday, 5 March 2025 – Item 180/25

**Next Review Date:** March 2030