



Highwood Parish Council

Vexatious Complainant Policy

1. Purpose

The purpose of this policy is to establish a framework for identifying and managing vexatious complaints made to the Parish Council. It aims to ensure that complaints are handled fairly, consistently and proportionately while protecting council resources and staff from undue pressure.

2. Definition of Vexatious Complainant

A vexatious complainant is an individual who engages in unreasonable behaviour that manifests in the form of persistent, abusive, or unsubstantiated complaints. Such behaviour may include, but is not limited to:

- **Persistence:** Repeatedly making the same or similar complaints despite receiving a full response.
- **Scattergun Approach:** Raising multiple complaints with different issues in a short period of time, especially if these complaints are sent to various members or staff of the Parish Council or other related bodies, often with the intention of causing disruption.
- **Abusive or Aggressive Behaviour:** Using foul or abusive language, making unreasonable demands, or showing aggressive behaviour towards council staff or members.
- **Inappropriate Demands:** Insisting on an unrealistic outcome beyond the remit of the Parish Council.
- **Refusal to Accept Outcomes:** Refusing to accept the conclusion of the complaint process and seeking to reopen the matter without new evidence.
- **Focus on Individuals:** Targeting individual council members or staff with repeated or personalised complaints.

3. Identifying Vexatious Complaints

Complaints may be deemed vexatious if they meet one or more of the following criteria:

- The complainant refuses to specify the grounds of a complaint despite assistance and advice.
- The complainant refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant makes unsubstantiated allegations or has unreasonable demands regarding how their complaint should be handled.
- The complainant focuses on trivial matters to an extent that is out of proportion to their significance, and the complaint lacks any substantive issue.
- The complainant adopts a 'scattergun' approach, e.g., by pursuing multiple complaints on varied issues simultaneously or in close succession.

4. Managing Vexatious Complaints

When a complainant's behaviour is identified as vexatious, the following steps will be taken:

- **Assessment:** The Parish Clerk will review the complaint to determine if it meets the criteria for being deemed vexatious. This review may include consultation with members, legal advisors or other relevant parties.
- **Communication:** The complainant will be informed in writing that their complaint has been assessed and is considered vexatious. The communication will outline the reasons for this decision and any actions that will be taken in response.
- **Limiting Communication:** The Parish Council may limit or restrict communication with the vexatious complainant, such as:
 - Restricting contact to a particular form (e.g., written communication only).
 - Assigning a single point of contact within the council.
 - Limiting the number of communications per week or month.
- **Terminating Correspondence:** In cases where the behaviour continues, the Parish Council may decide to terminate further correspondence on the matter, advising the complainant of this decision.
- **Review:** The status of the complainant as vexatious will be reviewed periodically (e.g., every 6 months) to determine if the restriction should be lifted or continued.

5. Right to Appeal

The complainant has the right to appeal the decision to classify their complaint as vexatious. The appeal will be considered by a panel of members who were not involved in the original decision. The appeal must be submitted in writing within 14 days of the decision being communicated.

6. Dealing with Vexatious Freedom of Information (FOI) Requests

Under the Freedom of Information Act 2000, individuals have the right to request information from public authorities. However, if an individual submits a vexatious FOI request, they are abusing their rights, which can undermine the credibility of the FOI system and divert resources from more deserving requests and other public business.

Section 14 of the FOI Act states that public authorities do not have to comply with vexatious requests. There is no requirement to carry out a public interest test or to confirm or deny whether the requested information is held.

When determining if an FOI request is vexatious, the Parish Council will consider the following factors, in line with the Information Commissioner's Office (ICO) Section 14 guidance on dealing with vexatious requests:

- **Burden on the Authority:** The request imposes a significant burden on the Parish Council in terms of expense and time.
- **Disruption:** The request is designed to cause disruption or annoyance rather than to obtain information.
- **Lack of Serious Purpose:** The request lacks any serious purpose or value.
- **Unreasonable Persistence:** The requester has a history of making requests with no reasonable prospect of success or has previously received a response that addressed the issue.
- **Scattergun Approach:** The requester submits a series of requests, often with little or no meaningful connection between them, overwhelming the Parish Council, or submits a series of requests about the same topic to other organisations or authorities.

Actions in Response to Vexatious FOI Requests:

- **Assessment:** The Parish Clerk will review the FOI request to determine if it meets the criteria for being classified as vexatious.
- **Communication:** If an FOI request is deemed vexatious, the requester will be informed in writing of the decision and the reasons behind it. The Parish Council will also inform the requester that no further correspondence on the matter will be entertained.
- **No Obligation to Respond:** The Parish Council will not be obligated to confirm or deny whether the requested information is held or to provide the information if the request is deemed vexatious.
- **Review:** The decision to classify an FOI request as vexatious will be reviewed periodically to ensure the policy is applied fairly and consistently.
- **Right to Appeal:** The requester has the right to appeal the decision to classify their FOI request as vexatious. The appeal must be submitted in writing within 14 days of the decision being communicated. An independent review panel, consisting of members who were not involved in the original decision, will consider the appeal.

6. Record Keeping

The Parish Clerk will maintain a record of all complaints classified as vexatious, including details of the complaint, the behaviour of the complainant, and any actions taken under this policy. These records will be reviewed regularly to ensure fair application of the policy.

7. Application of the Policy

This policy is intended to apply to all complainants, and the decision to classify a complaint as vexatious will be made on a case-by-case basis. The Parish Council is committed to treating all individuals fairly and with respect, and this policy will be implemented with discretion and sensitivity.

8. Policy Review

This policy will be reviewed annually or sooner if required by changes in legislation or operational practices.

Adopted by Highwood Parish Council on 16th September 2024

Signed by:

Chair of the Parish Council