



Wavendon Parish Council - Vexatious Complaints and Correspondence Policy

VEXATIOUS COMPLAINTS AND CORRESPONDENCE POLICY

1. Purpose

Wavendon 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) & 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 two 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:

Next Review Date: September 2030