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## VEXATIOUS REQUESTS AND COMPLAINTS POLICY

A policy for dealing with abusive, persistent, or vexatious requests, and requesters. This policy can also be used for dealing with abusive, persistent, or vexatious complaints and complainants by substituting “request” and “requester” with the words “complaint” and “complainant” where appropriate.

This Policy was adopted by Kennington Community Council (the “Council”) at its meeting held on 16<sup>th</sup> November 2022

### 1. Introduction

- 1.1 This policy identifies situations where a person making a request, either individually or as part of a group, or a group of requesters, might be considered to be habitual or vexatious. The following forms Kennington Community Council’s (the “Council”) policy for ways of responding to these situations.
- 1.2 In this policy the term habitual means ‘done repeatedly or as a habit’. The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought purely to cause annoyance to the defendant’.
- 1.3 Indicators that requests (which can be verbal, written, in person, via telephone or information technology) are vexatious are if:
  - 1.3.a they include abusive or aggressive language.
  - 1.3.b requesters can be said to bear a personal grudge or make completely unsubstantiated accusations against the Council, individual Councillors, or specific employees.
  - 1.3.c requests from individuals are unreasonably persistent, frequent, or overlapping.
  - 1.3.d the effort required to meet the request will be so grossly oppressive or a strain on time and resources, that the Council cannot reasonably be expected to comply, no matter how legitimate the matter or valid intentions of the requester.
- 1.4 This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.5 The term “request” in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 2018 (the UK’s implementation of the General Data Protection Regulation (GDPR)), the Environmental Information Regulations 2004, and any subsequent modification of this legislation.
- 1.6 Habitual or vexatious requests can be a problem for Council staff and Members. The difficulty in handling such requests is that they are time consuming and wasteful of resources in terms of Officer and Councillor time. While the Council endeavours to respond with patience and sympathy to the needs of all requesters there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
- 1.7 When dealing with any request the Council will consider:
  - 1.7.a the burden complying with requests would bring on it.
  - 1.7.b the motive of the requester.
  - 1.7.c the value or serious purpose of the request.
  - 1.7.d if dealing with the request would cause any harassment of or distress to employees.



1.8 Raising of legitimate queries, or the criticism of the progress of a request, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent requestor. Similarly, the fact that a requestor is unhappy with the outcome of a request and seeks to challenge it should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

1.9 The aim of this policy is to contribute to the overall aim of dealing with all requests in ways which are demonstrably consistent, fair, and reasonable.

## **2 Habitual or Vexatious Requesters**

2.1 For the purpose of this policy the following definition of habitual or vexatious requesters will be used: "The repeated and/or obsessive pursuit of unreasonable requests and/or unrealistic outcomes and/or reasonable requests in an unreasonable manner".

2.2 Prior to considering its implementation the Clerk will send a copy of this policy to the requester to give them prior notification of its possible implementation

2.3 Where requests continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Clerk will seek agreement from Councillors to treat the requester as a habitual or vexatious requester for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious requests.

2.4 The Clerk on behalf of the Council will notify requesters, in writing, of the reasons why their request has been treated as habitual or vexatious and the action that will be taken.

2.5 The status of the requester will be kept under review. If a requester subsequently demonstrates a more reasonable approach, then their status will be reviewed. See 6.1.

## **3 Definitions**

3.1 The Council defines unreasonably persistent and vexatious requesters as those people who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of them or other people's requests. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a requester.

3.2 Examples include the way in which, or frequency with which requesters raise their issues and how requesters respond when informed of the Council's decision about the request.

## **4 Imposing Restrictions**

4.1 The Clerk will ensure that the request is being or has been addressed in accordance with policy and relevant regulations.

4.2 In the first instance the Clerk will consult with the Council prior to issuing a warning to the requester. The Clerk will contact the requester in writing (sent by signed for delivery), provide them with a copy of the Vexatious Requests & Complaints Policy, explain why this behaviour is causing concern and ask them to change this behaviour

4.3 If the disruptive behaviour continues, the Clerk will issue a further letter, sent by signed for delivery to the requester advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the Council and inform the requester in writing of the procedures that have been applied and for what period. The letter will state:

4.3.a why the decision has been taken.



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- 4.3.b what action has been taken.
- 4.3.c the duration of that action.
- 4.3.d how they can appeal against the decision.

4.4 Any restriction that is imposed on the requester's contact with the Council will be appropriate and proportionate and the requester will be advised of the period over which the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the requester and may include:

- 4.5.a banning the requester from sending emails to the Clerk and insisting they only correspond by postal letter.
- 4.5.b requiring contact to take place with one named member of staff or Councillor only.
- 4.5.c letting the requester know that the Council will not respond to or acknowledge any further contact from them on the specific topic of that request.

4.6 Where a requester continues to behave in a way that is unacceptable, the Clerk, in consultation with the Council, may decide to refuse all contact with the requester and stop any investigation into his or her request.

4.7 Where the behaviour is so extreme or it threatens the immediate safety and welfare of employees or Councillors, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the requester may not be given prior warning of that action.

### **5 New requests from requesters who are treated as abusive, vexatious or persistent**

5.1 New requests from people whose contact has triggered this policy will be treated on their merits. The Clerk and the Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new request. A blanket policy is not supported, nor is ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a requester is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council at the discretion of the Clerk.

### **6 Review**

6.1 The status of a requester judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the Council after three months and at the end of every subsequent three months within the period during which the policy is to apply.

6.2 The requester will be informed of the result of this review if the decision to apply this policy has been changed or extended.

### **7 Record Keeping**

7.1 The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- 7.1.a the name and address of each member of the public who is treated as abusive, vexatious, or persistent, or any other person who so aids the requester.



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7.1.b when the restrictions came into force and end.

7.1.c what the restrictions are.

7.1.d when the person was advised.

7.2 The Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy, as a confidential matter.

### 8 Appeals

8.1 Appeals against the Council's decision can be made to the Council in writing within 5 working days of the receipt of the decision. The Council will review the decision and address any points made in the Appeal correspondence. The outcome of this review will be final.

**Policy Adopted: dd-mmm-yyyy**

**Review due: dd-mmm-yyyy**

#### Revision History

Version	Date	Comments
Draft v1.0	19 November 2020	For approval following F&GP review (not adopted)
Draft v1.0	12 November 2021	For approval, template updated for accessibility
Draft v1.00	16 November 2022	For approval following F&GP recommendation 10.11.22