

VEXATIOUS COMMUNICATIONS AND COMPLAINTS POLICY

This policy sets out Tysoe Parish Council's position on vexatious or abusive complaints, demands, and/or repeated requests for information including Freedom of Information requests and how they will be dealt with.

Council Commitment

The application of this policy does not prevent people from accessing services to which they have a statutory entitlement. In applying restrictions, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, council employees, councillors, co-opted members and contractors do not suffer any disadvantage or undue stress that can be caused by persistent or vexatious communications and complaints and the resources of the council are used as effectively as possible.

The key question the council will ask itself is whether the request is likely to cause a disproportionate or unjustified level of disruption to business, irritation or distress. Legal Context The Freedom of Information Act Section 14(1) stipulates that public authorities do not have to comply with vexatious requests. Public authorities remain free to refuse a request as vexatious based on their own assessment of all the relevant circumstances.

The council has a legal duty under the Health and Safety at Work etc Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees, members and contractors.

Vexatious communication (see Appendix)

A decision as to whether a communication is vexatious will be made on one or more of the following criteria:

- Can the request be fairly seen as obsessive?
- Is the request harassing the council?
- Would complying with the request impose a significant burden?
- Is the request designed to cause disruption or annoyance?
- Does the request lack serious purpose or value?

A request may not be vexatious in isolation, but when considered in context it might form part of a wider pattern of behaviour that makes it vexatious.

Procedure

Where the Clerk is of the view that a communication of a requester is vexatious he/she will be informed and given the grounds for such decision. The notification will state that any further communication relating to the same matters will not be acknowledged or replied to. Should the communication persist then restrictions may be placed by the council including suspending all contact with the requester over the same matters.

If the conduct or correspondence of a group of persons acting together is considered vexatious, the Council may refuse to respond to communications from that group or limit the amount of correspondence from them that will be dealt with.

All actions by the Clerk under this policy will be referred to Tysoe Parish Council.

Appendix

Identifying a Vexatious Request (see also ICO definition under Section 14(1) FOI Act 2000)

A requestor and anyone acting on their behalf may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria: Abusive or aggressive language The tone or language of the requester's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.

Burden on the authority

The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

- Personal grudges
For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.
- Unreasonable persistence
The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority.
- Unfounded accusations
The request makes completely unsubstantiated accusations against the public authority or specific employees.
- Intransigence
The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.
- Frequent or overlapping requests
The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.
- Deliberate intention to cause annoyance
The requester has explicitly stated that it is their intention to cause disruption to the public authority or is a member of a campaign group whose stated aim is to disrupt the authority.
- Scattergun approach
The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.
- Disproportionate effort
The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request. No obvious intent to obtain information The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.
- Futile requests
The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.
- Frivolous requests
The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.