

MARKET BOSWORTH PARISH COUNCIL



POLICY FOR MANAGING HABITUAL AND / OR VEXATIOUS CORRESPONDENTS

1. INTRODUCTION

1.1 This policy identifies situations where a correspondent, either individually or as part of a group, or a group of correspondents, might be considered to be habitual or vexatious. It clarifies how we will decide which correspondents will be treated as habitual and/or vexatious, and what we will do in those circumstances.

2. DEFINITIONS

2.1 We define habitual and vexatious correspondents as those who, because of the frequency or nature of their contacts with the Council, hinder our consideration of their or other people's communications. Examples include using repetitive methods or frequent contacts to raise the same matter repeatedly or responding inappropriately when informed of our response.

2.2 Correspondents will be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- persists in pursuing an enquiry or complaint where it has been fully investigated and full action has been taken within the Parish Council's procedures, but the correspondent will not acknowledge or accept this;
- displays unreasonable demands or expectations and fail to recognise that these are unreasonable;
- have threatened a Councillor or the Clerk;
- have harassed or been personally abusive or verbally aggressive towards Councillors or the Clerk dealing with the correspondence; this includes the use of foul or inappropriate language;
- refuses to accept that issues are not within the power of the Council to investigate, change or influence;
- changes the main issue of the correspondence or continually raise new issues, especially while the original correspondence is being addressed;
- are unwilling to accept documented evidence to support an adequate response;
- have caused persistent offence to a Councillor or the Clerk;
- raises repeat issues that have already been fully addressed;
- persists in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons;
- continues to challenge the Council for alleged wrongdoing without any cogent basis to do so;
- is pursuing a relatively trivial or highly personalised matter of little benefit to the residents of the Parish;
- pursuing a personal grudge;
- unreasonable persistence;
- unfounded accusations;
- intransigence;
- frequent or overlapping complaints, requests or communications;
- deliberate intention to cause annoyance;
- disproportionate effort is required to deal with a trivial matter;

- no obvious intent to obtain information;
- futile or frivolous requests;
- tone or content of the communication is objectionable, especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

3. UNREASONABLE COMMUNICATION THROUGH SOCIAL MEDIA

- 3.1 Social media is a rapidly changing area of technology that many parish councils are using to build relationships with new and existing customers/residents. However, this form of communication can sometimes be used to bully and harass employees and councillors. All social media users should adopt the same level of courtesy used when communicating via email, telephone or face to face.
- 3.2 If a member of the public posts a message that may cause offence - or is otherwise unsuitable - about the Clerk or a Councillor, the Council will do its best to have that post removed from the social media site.
- 3.3 When social media is used inappropriately (e.g. cyber bullying), we will try to identify the offender, take steps to remove the offending material from view and, where appropriate, initiate action against the offender.
- 3.4 Inappropriate content includes:
- Pornography;
 - Racial or religious slurs;
 - Gender-specific comments;
 - Information encouraging criminal or terrorism activity;
 - Threats, abuse or personal comments which may be regarded as defamatory.

This definition of inappropriate content or material also covers any text, images or other media that could reasonably offend someone on the grounds of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation or any other characteristic protected by law.

4. IMPOSING RESTRICTIONS WHEN BEHAVIOUR IS CONSIDERED VEXATIOUS

- 4.1 We will always first ensure that the correspondence is being, or has been, dealt with properly. If the correspondence is a complaint, it will be investigated properly according to the Council's Complaints Procedure.
- 4.2 If the correspondent's behaviour appears to be problematic, the Clerk will consult both the Chairman and Vice Chairman and obtain their agreement to proceed to the next stage.
- 4.3 The Clerk will contact the correspondent to explain why their behaviour is causing concern and ask them to moderate their behaviour. The Clerk will explain the actions that the Council may take if the behaviour does not change and supply a copy of this procedure.
- 4.4 If the problem behaviour continues, then the Council will consider the situation and may decide that the behaviour is Vexatious. The Clerk will inform the correspondent in writing of this, and of any limitations or procedures which have been put in place and for what period.

- 4.5 Any restrictions that are imposed on the correspondent's contact with us will be appropriate and proportionate. In most cases restrictions will apply for 3 or 6 months but in exceptional cases may be extended to 12 months. In such cases the restrictions would be reviewed annually.
- 4.6 Restrictions will be tailored to deal with the individual circumstances of the correspondent and may include:
- Requiring the correspondent to make telephone contact only through a third party, e.g. a solicitor, councillor, or friend acting on their behalf;
 - Requiring the correspondent to send emails only to a specific nominated individual;
 - Requiring contact to take place with one named member of staff only;
 - Restricting telephone calls to specified times or of limited duration;
 - Requiring any personal contact to take place only in the presence of an appropriate witness;
 - Advising the correspondent that we will not respond to any further contact from them on the specified topic of that correspondence. When the decision has been taken to apply this policy to a correspondent, the Clerk will contact the correspondent in writing to explain why we have taken the decision; what action we are taking; the duration of that action and the review process of this policy. The Clerk will enclose a copy of this policy in the letter to the correspondent.
- 4.7 The fact that the correspondent is judged to be vexatious and any restrictions imposed on our contact with them, will be minuted in Council minutes. The Borough Councillor for Market Bosworth will also be informed that a constituent has been designated as a habitual or vexatious correspondent.

5. NEW CORRESPONDENCE FROM CORRESPONDENTS WHO ARE TREATED AS HABITUAL AND / OR VEXATIOUS

- 5.1 New correspondence from people who have come under this policy will be treated on their merits. The Clerk will advise the Council whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint, enquiry or request submitted.
- 5.2 We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are raised. Any new issue raised will be given proper consideration.

6. REVIEW

- 6.1 The status of a correspondent judged to be habitual and/or vexatious will be reviewed by the Council after three months and at the end of every subsequent three months during the period in which the policy applies. If, for reasons of persistent vexatious behaviour, a correspondent is restricted for a longer period of 12 months, that decision will be reviewed annually. The correspondent will be informed of the result of the review, and whether the decision to apply this policy to them has been changed or extended.

7. RECORD KEEPING

- 7.1 Adequate records will be retained by the Clerk of the details of the case and the action that has been taken.

This policy was adopted on 2 February 2021 Minute ref: 9(b)