

Streatley Parish Council

Policy for Vexatious Correspondence/Conduct

Habitual or vexatious enquiries/requests represent a problem for Parish Councillors and Council staff because they are time-consuming and costly with nothing to be gained. Whilst the Council has a duty to respond to the needs of all enquirers, there may be times when there is nothing further which can reasonably be done to assist, provide information or rectify a real or perceived problem.

This policy covers vexatious demands and/or repeated requests for information including Freedom of Information Act requests. It is intended to ensure that all enquiries are dealt with fairly but with value for public money in mind.

Under this policy, councillors will discuss and decide whether repeated requests for information, or variations of the same request, are deemed to be vexatious and therefore unacceptable.

When a request or series of actions is to be decided as vexatious or not, the context, cost and history will be discussed. Consideration will also be given to whether one or more of the criteria set out at Annex A below is or are met.

If the conduct, enquiry or correspondence of a requester or group of persons acting together is decided as vexatious, the Council will inform them of the decision, the grounds on which the decision has been made and that further correspondence will not be entered into for a specific time or on a specific subject.

The Council will then refuse to respond to communications from that person or group of persons as notified.

The timescale applied will be proportionate to the level and cost of dealing with the matters in the past and will be proposed by the Chairman or Vice Chairman and agreed by councillors.

This policy will be reviewed bi-annually.

Adopted 25 March 2015

Annex A

Criteria for deciding whether conduct, enquiry or correspondence is vexatious

In deciding whether a matter is vexatious, each case will be considered on its merits with reference to context, history, information already provided and cost to the Council over the previous 12 months as well as in light of the criteria set out below:

- Would complying with the request impose a significant or disproportionate burden in terms of time or other costs?
- Is the enquiry outside the power of the Council to investigate, change or influence?
- Does the enquiry constitute an unreasonable number of contacts with the Council, by any means, in relation to a specific issue or issues?
- Does the enquirer make persistent and unreasonable demands or expectations of the Council following explanation/s given (for example, insisting on immediate responses to questions, frequent and/or complex letters, faxes, telephone calls or e-mails)?
- Does the enquiry raise subsidiary or new issues whilst an issue is being addressed that were not part of the issue at the start of the investigation?
- Does the enquiry introduce new information or change the substance or basis of the original issue being investigated before a response has been provided?
- Does the enquirer adopt a 'scattergun' approach –such as pursuing an issue or issues with the Council and at the same time with, for example, a Member of Parliament, other Councils, elected councillors of this and other Councils, the Council's independent auditor, the Standards Board, the Police, other public bodies or solicitors?
- Does the enquirer refuse to accept the response or outcome of the investigation, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given?
- Does the enquirer pose the same question repeatedly, perhaps with minor differences, after the matter has been concluded, insisting that the minor differences make these 'new' questions to be investigated/responded to?
- Does the enquirer persist in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons?
- Does the enquirer raise or challenge an issue based on an historic and/or an irreversible decision or incident?
- Can the course of conduct be considered as harassment of the Council or individual member/s?