

Radcliffe on Trent Parish Council

Vexatious Complaints and Requests Policy

Introduction

Radcliffe on Trent Parish Council (the "Council") is committed to dealing with all complaints and requests in an accessible, open, and fair manner. However, there are occasions where individuals submit complaints or requests that are deemed vexatious, repetitive, or unreasonable. This policy outlines the Council's approach to managing such complaints and requests, ensuring that resources are used effectively to benefit the wider community.

Definition of Vexatious Complaints or Communications

A complaint may be regarded as vexatious when its purpose or effect is to cause harassment, distress, or disruption to the Council's operations. A vexatious complaint may be one where:

- It is repetitive or concerns substantially the same issues as previously addressed by the Council, despite a reasonable response having been given.
 - The complainant refuses to accept the outcome of a complaint investigation without any new or relevant evidence.
 - It is aimed at harassing or causing unnecessary strain on the Council's resources.
 - It makes unreasonable demands on the Council's resources by requiring an excessive amount of staff time and effort to respond.
 - The complainant acts unreasonably, for instance, in their tone, language, or persistence, such that it intimidates, threatens, or abuses staff or councillors.
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Vexatious Requests (Freedom of Information & Subject Access Requests)

In addition to vexatious complaints, the Council may also receive vexatious or unreasonable Freedom of Information (FOI) or Subject Access Requests (SAR). Under

the Freedom of Information Act 2000 and the UK General Data Protection Regulation (UK GDPR), individuals have the right to request information. However, the Council is not obliged to comply with a request that is vexatious.

A request may be considered vexatious if:

- It imposes an unreasonable burden on the Council in terms of cost or staff time to process.
- It lacks a clear or legitimate reason, especially when submitted repeatedly or with the intent to disrupt Council operations.
- It includes abusive or confrontational language or appears to be aimed at causing annoyance or distress.
- It is excessive in scope or lacks a reasonable focus, making compliance excessively burdensome.

In accordance with Section 14(1) of the Freedom of Information Act 2000, the Council is entitled to refuse vexatious FOI requests. For Subject Access Requests, the Council may refuse to comply if the request is manifestly unfounded or excessive, per Article 12(5) of the UK GDPR.

Managing Vexatious Complaints and Requests

If a complaint or request is considered vexatious, the Council will take the following steps:

1. Initial Assessment:

- The designated officer will assess the complaint/request and determine whether it meets the criteria for being considered vexatious.
- The complainant will be notified in writing of the Council's decision, citing the reasons for the decision in accordance with applicable legislation.

2. Limiting Communication:

- If a complaint or request is deemed vexatious, the Council reserves the right to limit or restrict contact with the complainant. This may include:
 - Requesting that all communication be made in writing.
 - Assigning a single point of contact for the complainant.
 - Limiting the frequency or nature of communication.

3. Right to Appeal:

- The complainant will be advised of their right to appeal the Council's decision regarding their complaint or request.
 - Appeals should be submitted in writing to an Officer of the Council, who will forward them to the appropriate committee or external body for review.
 - The Council will follow its appeals process to ensure that complaints and requests are given due consideration.
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Repeated Complaints or Requests

The Council recognises that repeat complaints or requests may be vexatious if they persist after a final response has been issued. Such cases will be treated as vexatious under this policy, and the Council will reserve the right not to engage further unless substantive new evidence is provided.

Criteria for Vexatious Complaints/Requests

The following criteria may be used to determine whether a complaint or request is vexatious:

- The volume and frequency of correspondence or requests.
 - The content and tone of communication, particularly if it is abusive or confrontational.
 - The effort required by the Council to address the complaint/request versus the benefit or public interest.
 - Whether the complaint or request raises new issues or is simply repeating previous complaints.
 - Whether the request or complaint can reasonably be seen as intended to cause disruption or harassment.
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Handling FOI and SAR Requests

The Council will consider the following before refusing an FOI or SAR request:

1. FOI Requests:
 - Section 14 of the Freedom of Information Act 2000 allows the Council to refuse requests deemed vexatious or repetitive.

- The Council is not required to respond to requests that are manifestly unreasonable in terms of cost or effort, or that lack any reasonable public interest justification.

2. SAR Requests:

- Under the UK GDPR and Data Protection Act 2018, individuals have the right to request access to personal data. However, Article 12(5) allows the Council to refuse a request if it is manifestly unfounded or excessive.
- Personal information held on private devices or personal accounts of staff or councillors falls outside the scope of the Parish Council's data controller responsibilities, and such information will not be disclosed.

3. Costs:

- If fulfilling an FOI or SAR request would cause an unreasonable financial or administrative burden on the Council, it may be refused, or a fee may be charged as per Section 12 of the Freedom of Information Act 2000.

4. Review and Clarification:

- The Council may request clarification from the complainant or requestor if the scope of the FOI or SAR is unclear or too broad.
- The complainant/requestor will be informed of the reasons for refusal, with reference to the relevant legislation.

Reviewing the Policy

This Vexatious Complaints and Requests Policy will be reviewed by the Council every regularly or when there are significant changes to relevant legislation.

Date	Item	Next Review
07.10.2024	Document created	05.11.2024
19.11.2024	Full Council consideration and adoption	2028