



MUCH HOOLE PARISH COUNCIL

POLICY ON ACCESS TO SERVICES AND DEALING WITH DIFFICULT AND VEXATIOUS COMPLAINANTS/CORRESPONDENTS

Approved at the Council's Meeting on 14TH July
2025 for use during year 2025-2026

1. Rights of Public Access

1.1 Much Hoole Parish Council (the Council) recognises that in the absence of good reasons to the contrary, members of the public have a right of access to the Council to seek advice, help and services that the Council offers.

1.2 Criticism of and complaints/correspondence against the Council are a welcome, legitimate and necessary part of the relationship between the Council and its local community. They are a valuable means of reflecting on the operations of the Council and improving both those operations and the quality of the Council's relationship with its local community.

1.3 Nobody, no matter how much time and effort is taken up in responding to their complaint/correspondence and concerns, shall be unconditionally deprived of the right to have those complaints/correspondences or concerns addressed.

1.4 However, the Council also has an obligation to use its resources efficiently and effectively and has obligations as an employer to its Clerk as its employee.

1.5 Accordingly, the Council has decided that there are circumstances in which it will limit the nature and scope of its responses to difficult complainants/correspondents.

2. Difficult and/or Vexatious Complainants/Correspondents

2.1 This policy identifies situations where a complainant/correspondent, either individually or as part of a group, or a group of complainants/correspondents, might be habitual or vexatious. The following clauses form the Council's policy for ways of responding to these situations.

2.2 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 without sufficient grounds for winning, purely to cause annoyance to the defendant or recipient'. 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.

2.3 Habitual or vexatious complaints/correspondences can be a problem for Council staff and members. The difficulty in handling such complainants/correspondents is that they can be very time consuming and wasteful of resources for Officers and Councillors. While the Council endeavours to respond with patience, openness and sympathy to the needs of all complainants/correspondents there are times when there is nothing further which can reasonably be done to assist or to rectify a complainant's/correspondent's real or perceived problem.

2.4 Raising of legitimate queries or criticisms of a complaint/correspondence handling procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant/correspondent is unhappy with the outcome of a complaint/correspondence and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

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

2.6 There are various types of difficult complainants/correspondents and this policy shall apply to them all, other than to those that are aggressive - see paragraph 3 below concerning aggressive behaviour.

2.7 Prior to considering its implementation, the Council will send a summary of this policy to the difficult complainant/correspondent, as it applies in the case being dealt with, to give them prior notification of its possible implementation.

2.8 Categories of difficult and vexatious complainants/correspondents include but are not limited to:

2.8.1 Those who cannot let go, such as people who:

- make excessive phone calls, or
- seek to exercise excessive personal contact, or
- engage in lengthy correspondence.

2.8.2 Those who cannot be satisfied such as people who:

- cannot or will not accept that the Council is unable to assist them; or
- cannot or will not accept that the Council is unable to provide any further level of service other than that provided already, or
- disagree with the action the Council has taken in relation to the complainant's complaint/correspondence or concerns.

2.8.3 Those who make unreasonable demands on the Council whether by:

- the amount of information they demand; or
- the value and scale of services they seek; or
- the number of approaches they make; or
- the steps or procedures they demand the Council adopts.

2.8.4 Those who are rude and abusive such as those who:

- engage in personal abuse; or
- make inflammatory statements or comments; or
- make statements or comments clearly intended to intimidate.

2.8.5 Complainants/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 a complaint/correspondence where it has been fully investigated and full action has been taken within the Parish Council's procedures, but the complainant will not acknowledge or accept this;
- displays unreasonable demands or expectations and fails to recognise that these are unreasonable;
- has threatened and/or intimidated a Councillor or the Clerk;
- has harassed or been personally abusive or verbally aggressive towards Councillors or the Clerk dealing with the complaint/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 complaint/correspondence or continually raises new issues, especially while the original complaint/correspondence is being addressed;
- is unwilling to accept documented evidence to support an adequate response;
- has caused persistent offence to a Councillor or the Clerk;

- raises repeat issues that have already been fully addressed;
- persists in seeking an outcome which the Council has explained is unrealistic for legal, 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 other residents of the Parish;
- is pursuing a personal grudge;
- is unreasonably persistent;
- makes unfounded accusations;
- is intransigent;
- makes frequent or overlapping complaints, requests or communications;
- deliberately intends to cause annoyance;
- causes disproportionate effort to deal with a trivial matter;
- has no obvious intent to obtain information;
- makes futile or frivolous requests;
- includes a tone or content of communication that is objectionable, especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

3. Aggressive behaviour

The Council has a policy of zero tolerance to intimidating, violent and aggressive behaviour towards its Clerk or Councillors. The Council has a duty to ensure that, as far as is practically possible, it reduces the risk of violence, aggressive or threatening behaviour towards its Clerk or Councillors during the course of their work.

Other sections in this policy cover the limiting of access and the way in which the Clerk is instructed to deal with individuals that use inappropriate language and display abusive, aggressive, intimidating or threatening behaviour.

4. Guiding principles on limiting access

The Council will limit the nature and scope of access in the following circumstances:

- Where full access would be likely to compromise the Council's obligations as an employer of the Clerk as its employee;
- Where full access would be likely to compromise adherence by the Council to any statutory obligations or national guidelines to Councils to which the Council is subject;
- Where full access would be likely to be wasteful of the Council's resources whether through excessive contact or use of services;
- Where full access would be likely to be demotivating and upsetting to the Clerk of the Council and/or any Councillor;
- Where full access would be likely to encourage, condone or allow rude and abusive behaviour.

5. Limiting access in these circumstances

5.1 Not replying to written communications

Where the Council receives a written communication whether by letter, SMS, email or via social media, that contains substantial and clearly inappropriate content such as intimidating, abusive or threatening or demanding language, or adverse personal reflections or criticisms of individuals, or any of the above criteria as defined in 2.8 above, a written notification shall be sent to the author of the written communication asking that they rewrite the communication so as to exclude the inappropriate content and advising that in the event that a further substantial and clearly inappropriate communication is received by the Council, the Council will pass such communication onto the appropriate authorities for investigation.

5.2 Terminating telephone calls

5.2.1 Where a caller uses inappropriate language such as intimidating, abusive or threatening or demanding language, or casting adverse personal reflections or criticisms of individuals,

or is vexatious by reason of any of the criteria defined in 2.8 above, then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller continues to be vexatious the call may be terminated after it has been made clear that they can call back if they are prepared to curb their behaviour or language.

5.2.2 In cases of persistent callers using such inappropriate language and being vexatious, a written notification shall be sent to the caller advising that in the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

5.2.3 Any written notification shall be given in accordance with the procedure set out in 5.1.above.

5.3 Limiting face to face contact

5.3.1 Where during a personal attendance with the Clerk or a Councillor a complainant/correspondent uses inappropriate language or behaves inappropriately, the complainant/correspondent will be notified that unless the complainant/correspondent is prepared to speak or behave in a different way the personal attendance will be terminated. If the complainant/correspondent then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated, provided that it is made clear that another personal attendance may be arranged by appointment if the complainant/correspondent is prepared to speak or behave in a different way.

Any further personal attendances shall be in the company of another member of the Council if appropriate. Such arrangement shall be for such specified period as the Council thinks reasonably necessary provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months not less frequently than once every 6 months. The complainant/correspondent shall be notified in writing accordingly.

5.3.2 In cases of persistent personal attendances where the complainant/correspondent uses inappropriate language or behaves inappropriately a written notification shall be

sent to the complainant/correspondent advising that in the event that any further personal attendance takes place and the complainant/correspondent uses inappropriate language or behaves inappropriately, not only will the personal attendance

be terminated but that also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

5.3.3 Any written notification shall be given in accordance with the procedure set out in 5.1 above.

5.4 Excessive contact ~~access~~

5.4.1 Where a complainant/correspondent:

- makes excessive phone calls; or
- engages in excessive written communications

the Council may nominate a Councillor to deal with all contact with the complainant/correspondent for a specified period and shall inform the complainant/correspondent in writing accordingly.

5.4.2 Where a person or a group contacts the Council on a wide range of issues all at once or in a selective way or in a constant stream, the Council may notify the person or group in writing either that only significant and serious issues will be addressed by the Council or that only a certain number of issues will be addressed by the Council in any given period provided always that such arrangements shall not prevent the exercise of any statutory rights of a complainant/correspondent to access the Council's services.

5.5 Abusing the right to information through the Freedom of Information policy

5.5.1 Individuals or groups may place excessive demands on the resources of the Council in making continual and extensive demands for information such as sending large numbers of letters or other communications, each containing detailed requests for information or being unwilling to accept documented evidence to support an adequate response.

5.5.2 If the Council is satisfied that the resource demands in responding to such contacts are excessive it may place limits on the manner and/or degree to which the Council will respond to such demands (but not so as to prevent the exercise of any statutory rights of the public to information).

5.5.2 The Council will adhere to and follow the policies and procedures of the Information Commissioners Office.

5.6 Declining to further investigate complaints/correspondence.

5.6.1 Where having exhausted the Council's Complaints Procedure a complainant/correspondent remains dissatisfied with the outcome of a complaint/correspondence, the Council will inform the complainant/correspondent, in writing, that the Council will decline to respond to any further attempted contact or communications concerning the issues raised by the complainant/correspondent unless significant new information or new issues are raised which in the opinion of the Council warrants action.

5.6.2 If the Council believes that a complainant/correspondent is deliberately providing fresh information in a selective way, he will advise the complainant/correspondent in writing to immediately pass on all relevant material to the Council and will also advise the complainant/correspondent that if such material is raised later, that the Council will require a

satisfactory explanation as to why the material was not supplied earlier, before agreeing to consider that material.

5.7 Miscellaneous

Other circumstances in which it may be appropriate to limit access include:

- Where a complainant/correspondent is unwilling to accept that the matter raised by them is not within the remit of the Council.
- Where a complainant/correspondent displays unreasonable demands or expectations and fails to recognise that these are unreasonable such as insisting on responses to be made more urgently than the Council's response time or demanding that the Council act in a way that the Council believes to be inappropriate or unwise.

6. Persons under a disability

6.1 Impaired mental capacity

Where it appears that a difficult complainant/correspondent may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the complainant's/correspondent's freedom of action such as securing continued access through a relative, friend, carer or other professional. However, it should always be remembered that the complainant/correspondent has a right to confidentiality and may not want certain people to be involved.

6.2 Persons under the age of 18

In the case of a difficult complainant/correspondent who is under the age of 18 one form of contact - generally by means of written communication - must always be maintained. It may be possible to arrange to deal with such a complainant/correspondent through their parent or guardian provided that written consent of both the complainant/correspondent and their parent or guardian is first obtained.

7. No Restrictions on Council's or its Clerks or its Councillors recourse to law

Nothing in this policy shall operate so as to impede the right of the Council or the Clerk or a Councillor to have recourse to the civil and/or criminal law where such recourse is available to the Council or Clerk or Councillor in any particular case.