

Vexatious and Unreasonable Communications from Members of the Public Policy and Procedure

What is this policy?

1. This policy describes the arrangements to respond to members of the public whose communications with the council are vexatious or otherwise unreasonable.
2. Vexatious and unreasonable communications are those that, due to their nature or volume, hinder the council's delivery of its functions – potentially including to the person concerned.
3. There is a separate policy – the **Unwanted Behaviour from Members of the Public Policy** ([link](#)) – addressing behaviour that is **intimidating, offensive, aggressive, abusive, threatening or violent**. Some individuals' behaviour may fall under both policies and the steps in both may be taken simultaneously in such cases.
4. This policy applies to all Wiltshire Council employees, with the exception of teaching and non-teaching staff employed in maintained schools or academies. This policy also applies to councillors, temporary employees, casuals, consultants, agency workers, staff seconded from other organisations and volunteers.

What are vexatious and unreasonable communications?

5. Vexatious and unreasonable communications can be characterised in the following ways:
 - Obsessive, persistent, harassing, prolific, repetitious;
 - Display an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;
 - Display an insistence upon pursuing complaints or issues in an unreasonable manner;
 - A “scatter gun” approach, with correspondence being sent to multiple recipients on a regular basis, often including the media, MPs, senior officers, councillors, other agencies and external regulators;
 - Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.
6. The Local Government and Social Care Ombudsman (LGSCO) has provided the following examples of unreasonable behaviour ([link](#)):
 - Refusing to specify the grounds of a complaint, despite offers of help.
 - Refusing to cooperate with the complaints investigation process.

- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Avoiding misuse of this policy

7. Use of this policy must not prevent people from accessing services to which they have a statutory entitlement. It is designed to ensure that the rights of service users are protected, while ensuring that council resources are used fairly and effectively, and staff receive a reasonable degree of protection from the stress that can be caused by unreasonable behaviour.
8. Any actions taken must be proportionate to the nature of the communications received. People may act out of character in times of anxiety or distress and reasonable allowances should be made for this.
9. Consideration should be given to the circumstances of the individual, particularly if they have health conditions that may affect the way they communicate. It may be appropriate to assist them in finding an independent advocate to help them with their communications with the council. More information about advocacy can be found here: <https://adults.wiltshire.gov.uk/information/advocacy>. A list of organisations that can provide complainants with advice and support can be found here: www.wiltshire.gov.uk/complaints-organisations
10. Defining individuals as acting vexatiously or unreasonably is a serious step. It is therefore essential that the decision is evidence-based, made by officers authorised to do so, and reviewed regularly.

Using this policy

11. If a member of staff identifies behaviour that they believe to be vexatious or unreasonable, they should first discuss their concerns with their Head of

Service. They may also wish to discuss the matter with other relevant council teams to understand the individual's wider impact. They will need to be satisfied that:

- The individual's concerns are being/have been investigated properly.
- That the council's communications with the individual have been adequate.
- That no new significant information has been provided by the individual that may affect any response to their concerns or complaint.
- That in respect of their concerns or complaint, the correct decision has been reached.

12. It is important to consider if the individual's concerns should be – or have already been – responded to as formal complaint. The LGSCO may expect the council to have responded to the individual's concerns via the appropriate complaints procedure before we apply restrictions set out in this document. The Complaints team can provide guidance (complaints@wiltshire.gov.uk).

13. If your Head of Service supports your assessment, the following should be prepared:

- a) A brief statement outlining why they consider the individual's communications with the council to be vexatious or unreasonable, including their effect upon staff and/or the service.
- b) An overview of communications from the individual over the previous six-month period, including:
 - information about the nature and frequency of that contact.
 - whom any correspondence was addressed to.
 - how many people/organisations it was copied in to on each occasion.
 - a one-line description of each piece of communication.

14. The information above should be sent to the Head of Legal, Democracy and Governance, copied to the Democracy and Complaints Manager, who will confirm if the communications sufficiently meet the criteria set out in this policy. If they do, the steps below should be followed.

Sending a written warning

15. An appropriate manager or head of service should write to the individual setting out the following:

- The nature of their unreasonable communications, including dates, and why their contact with the council meets the criteria set out in this policy.
- Where appropriate, that a formal complaints procedure has already been completed in relation to the individual's concerns (provide the complaint reference number).
- The impact of the communications on the council and its ability to deliver services and support service users.
- If appropriate, advising that henceforth only correspondence raising materially new issues or information will receive a response.

- What the consequences may be if the unreasonable communications continue (see **Taking action** below).

A [template letter](#) is provided at the end of this document.

16. If the individual's behaviour has **also** been intimidating, offensive, aggressive, abusive, threatening or violent, the steps measures set out in the **Unwanted Behaviour from Members of the Public Policy** should also be considered. In such cases, the warning letter/email to them should also:
 - Include examples of this unwanted behaviour, dates, and why the behaviour meets the criteria.
 - State that the behaviour is unacceptable.
 - Inform the individual that their details have been retained for the purposes of protecting staff during any future contact.
 - Where appropriate, state that a report has been made to the police.
17. Any teams that are likely to have future contact with the individual (normally including Customer Services and the Complaints team) should be informed that the letter/email has been sent and what to do if they receive further communications from the individual that are unreasonable or unwanted. In the interests of data protection, only the individual's personal data that is necessary for identifying them should be circulated for these purposes.
18. The letter/email should be sent to the Democracy and Complaints Manager who will maintain a log of the correspondence sent under this Policy and of any restrictions imposed on individuals.

Taking action

19. If the individual's communications continue to be unreasonable, the following action can be taken by the council:
 - Appointing a Single Point of Contact (SPOC): This would normally be a member of the team(s) with which the individual communicates most. Where appropriate, the SPOC can be a generic email address that may be managed anonymously by more than one individual. The SPOC will not, except under exceptional circumstances, be a member of the Complaints team.
 - Restricting future contact to:
 - i. telephone or written correspondence only
 - ii. by appointment only
 - iii. access via nominated members of staff only
 - Placing limits on the number and duration of contacts with staff per week or month.
 - Blocking certain email addresses in consultation with ICT.

- Offering a restricted time slot for necessary calls.
 - Taking legal action following consultation with Legal Services.
20. Where appropriate, the following additional restrictions can be implemented under the separate **Unwanted Behaviour from Members of the Public Policy**:
- Removing the right of entry to named council premises for a fixed period.
 - Suspending certain services for a fixed period where statutory duties allow.
 - Applying permanent restrictions to the right to entry or to access of services where statutory duties allow.
21. The decision about which level of measure to apply is to be made only after careful consideration and verification of the behaviour. Restrictions on access and services must be approved by at least a Head of Service or Director and, if appropriate, after consultation with Legal Services.

Notifying the individual

22. Where any of the measures above are taken, the individual must be notified of this in writing, with the email/letter including the following:
- Reference to any previous warnings sent.
 - The further instances of unreasonable or unwanted behaviour seen since (including dates) and how these meet the criteria set out in this policy.
 - What restrictions will now be implemented.
 - Whether the police have been informed of any potentially criminal behaviour.
 - The individual's right to complain about the decision to the Local Government and Social Care Ombudsman (there is no internal route of appeal against the decision).
 - When the restrictions will be reviewed. This should be no more than six months after their implementation.

A [template letter](#) is provided at the end of this document.

23. As above, all officers and teams that are likely to have future contact with the individual (including Customer Services and the Complaints team) or who will be involved in implementing any restrictions imposed, should be informed of the letter/email sent, of the restrictions in place and what to do if they receive further communications.
24. Where a SPOC has been appointed, all relevant officers and teams must be informed that correspondence from the individual should not be responded to directly but should be forwarded to the SPOC for review. Similarly, wherever possible, contact **from** the council should come from the SPOC (excluding

certain statutory services or generic notifications where this is not possible).

25. In the interests of data protection, only the individual's personal data that is necessary for identifying them should be circulated for these purposes.
26. The letter/email should be sent to the Democracy and Complaints Manager who will maintain a log of the correspondence sent under this Policy, of any restrictions imposed on individuals and of the dates set for their review.

Reviewing the decision

27. No more than **six months** after restrictions have been implemented, the decision must be reviewed. Relevant officers should consider whether there has been any improvement in the individual's behaviour over that time.
28. At any time prior to six months, if it is considered that the individual is communicating reasonably, the restrictions can be removed where appropriate.
29. If it is considered that the communications have continued to be unreasonable, provide evidence of this (as above) to the Head of Legal, Democracy and Governance and the Democracy and Complaints Manager. If they agree with your assessment, the individual can continue to be treated as unreasonable, with restrictions reviewed every six months.
30. The SPOC or an appropriate officer should write to the individual advising them of the outcome of the review.

Staff wellbeing

31. If a member of staff is affected by the correspondence received they should discuss this with your line manager and access the [Employee Wellbeing Helpline](#) for any additional support.

Legislation

32. This policy is subject to the Council's policy framework and duties to employees under relevant legislation including Health and Safety at Work Act 1974; The Management of Health and Safety at Work Regulations 1999; and The Equality Act 2010.

Further information

33. For further information members of staff can speak to their manager or contact complaints@wiltshire.gov.uk.

Appendices

34. The following templates are provided to assist managers in written warnings.

1. Template email/letter: Warn and desist behaviour
2. Template email/letter: Further measures template letter/email
3. Procedure flowchart

Policy author	Henry Powell
Policy implemented	
Policy last updated	

DRAFT

TEMPLATE TEXT FOR 'WARN & DESIST' LETTER/EMAIL

PLEASE COMPLETE THIS LETTER TEMPLATE WITH THE RELEVANT ALTERNATIVE DETAILS IN ALL PLACES MARKED WITH * AND THEN REMOVE THIS INSTRUCTION AND ALL HIGHLIGHTING.

Dear

Re: Unreasonable communications with Wiltshire Council

I refer to your communications with Wiltshire Council during the past *INSERT PERIOD, by *telephone, email and letter. During this period, you have contacted the council on X separate occasions. A log containing a summary of these communications is *included below / attached.

Having reviewed your communications with the council during this period, we consider that they meet the following criteria, which are set out in the council's Unreasonable Communications from Members of the Public Policy, in that they:

[DELETE/EXPAND AS APPROPRIATE]:

- Are unreasonably harassing, prolific, repetitious and/or.
- Pursue unmeritorious issues and/or unrealistic outcomes.
- Pursue complaints or issues in an unreasonable manner.
- Take a "scatter gun" approach, being sent to multiple recipients on a regular basis, often including the media, MPs, senior officers, councillors, other agencies and external regulators.
- Contain unreasonable and repeated and/or frequent requests for information
- Refuse to specify the grounds of a complaint, despite offers of help.
- Refuse to cooperate with the complaints investigation process.
- Refuse to accept that certain issues are not within the scope of a complaints procedure.
- Insist on a complaint being dealt with in ways which are incompatible with the council's adopted complaints procedure or with good practice.
- Make unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Change the basis of the complaint as the investigation proceeds.
- Deny or change statements made at an earlier stage.
- Introduce trivial or irrelevant new information at a later stage.
- Raise many detailed but unimportant questions, and insist they are all answered.
- Submit falsified documents from themselves or others.
- Make excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days and expecting immediate responses.
- Submit repeat complaints with minor additions/variations that the you insist make these 'new' complaints.

- Refuse to accept the decision; repeatedly arguing points with no new evidence.

The **nature and/or volume** of these communications **is/are** unacceptable. They create an unreasonable burden on council staff and impede the council's ability to deliver vital services to Wiltshire residents. You should be aware that if your communication with the council continues to meet the criteria set out above, action may be taken to restrict your communications with the council or remove access to certain services (while continuing to meet our statutory duties) where we consider this necessary to protect the fair and effective delivery of services to others.

DELETE AS APPROPRIATE: Regarding your concerns about **OUTLINE INDIVIDUAL'S CONCERNS**, I consider that you have now been provided with a comprehensive response and that all of your questions have been answered. As such, any further communications from you **on this matter** that do not raise materially new issues or present new information will be recorded for the purposes of record keeping but will receive no response. If you are unhappy with this decision, you are able to contact the Local Government and Social Care Ombudsman via the following details:

www.lgo.org.uk/contact-us

Tel. 0300 061 0614

If you require any of the following to communicate with the council, please provide details by reply:

- support or reasonable adjustments
- This letter in an alternative language or format.

A list of organisations that can provide further advice and support is available here:

www.wiltshire.gov.uk/complaints-organisations

Yours faithfully,

**TEMPLATE TEXT FOR ADDITIONAL MEASURES BEING APPLIED
LETTER/EMAIL**

PLEASE COMPLETE THIS LETTER TEMPLATE WITH THE RELEVANT ALTERNATIVE DETAILS IN ALL PLACES MARKED WITH * AND THEN REMOVE THIS INSTRUCTION AND ALL HIGHLIGHTING.

Dear

Re: Unreasonable communications with Wiltshire Council

I refer to your communications with Wiltshire Council during the past *INSERT TIME PERIOD, by *telephone, email and letter. Since the letter sent to you on *INSERT DATE, your communications with the council continue to be unreasonable in their *volume and/or nature, as defined in the Unreasonable Communications from Members of the Public Policy criteria set out below. A log containing a summary of these communications is *included below / attached.

[DELETE/EXPAND AS APPROPRIATE]:

- Are unreasonably harassing, prolific, repetitious and/or.
- Pursue unmeritorious issues and/or unrealistic outcomes.
- Pursue complaints or issues in an unreasonable manner.
- Take a “scatter gun” approach, being sent to multiple recipients on a regular basis, often including the media, MPs, senior officers, councillors, other agencies and external regulators.
- Contain unreasonable and repeated and/or frequent requests for information
- Refuse to specify the grounds of a complaint, despite offers of help.
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- Make unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Change the basis of the complaint as the investigation proceeds.
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- Make excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days and expecting immediate responses.
- Submit repeat complaints with minor additions/variations that the you insist make these ‘new’ complaints.

- Refuse to accept the decision; repeatedly arguing points with no new evidence.

As the letter sent to you on ***INSERT DATE** made clear, the ***NATURE AND/OR VOLUME** of these communications ***is/are** unacceptable. They create an unreasonable burden on council staff and impede the council's ability to deliver vital services to Wiltshire residents. Given this, the following restrictions are now in place with immediate effect in regard to your communications with the council:

[DELETE AS APPROPRIATE]

- You have been assigned a Single Point of Contact (SPOC). Your Single Point of Contact is ***INSERT NAME/TITLE/CONTACT DETAILS**. All correspondence from you to the council must be directed to this ***person/email address**. Correspondence sent to any other contact at the council may receive no response. All correspondence from the council – excluding from certain statutory or urgent services or generic communications sent to all residents – will also come from this Single Point of Contact.
- Only communications from you that we consider to raise materially new issues or present new information will receive a response.
- All further contact with you will be conducted by ***telephone/email/letter/appointment** only.
- Your contacts with council staff will be limited to ***X occasions/hours** per month.
- Only phone calls to the telephone number above made between ***X and X** on ***INSERT DAY(S)** will be answered.

These restrictions will remain in place for six months until ***INSERT DATE**. The situation will then be reviewed. If your communications have continued to be unreasonable then the restrictions listed above and may be extended or expanded.

If you have any questions about this decision and the restrictions now in place, please contact the single point of contact listed above.

If you are unhappy with this decision, you are also able to contact the Local Government and Social Care Ombudsman via the following details:

www.lgo.org.uk/contact-us Tel. 0300 061 0614

If you require any of the following to communicate with the council, please provide details to the single point of contact listed above:

- support or reasonable adjustments
- This letter in an alternative language or format.

A list of organisations that can provide further advice and support is available here: www.wiltshire.gov.uk/complaints-organisations

Yours faithfully,

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Policy Flowchart

(Policy paragraph numbers given in brackets)

