

Staffing Policy Committee

27 November 2024

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

Purpose

1. To propose the adoption of the Vexatious and Unreasonable Communications from Members of the Public Policy and Procedure.

Background

2. A small percentage of people contact, correspond with, or complain to the council in a way that could reasonably be described as obsessive, harassing, or unreasonably repetitious.
3. The contact and correspondence received from a minority of individuals takes up a disproportionate amount of council resource and can result in unacceptable stress for staff. The employer's responsibility under Health and Safety legislation is to apply measures that are reasonably practicable to help prevent harm to employees. Harm includes psychological distress.
4. An effective policy is therefore required to provide a consistent framework through which the council can:
 - a) Assess whether individuals' communications are unreasonable or vexatious in their volume, persistence and/or distribution.
 - b) Consider the measures available to manage and restrict such individuals' interactions with the council and their impact on service delivery and officer wellbeing.
 - c) Ensure that such measures are proportionate and used in a way that ensures the council's statutory duties are met, including those under equalities legislation.
 - d) Approve, implement, communicate, record and review restrictions on individuals' communications in a consistent manner.

Main considerations

5. The council already has in place an "Unreasonable Complainants Policy and Procedure", adopted in 2022, intended to meet the objectives set out above. Following a review of this policy, a number of changes are needed and have been made in the new document presented ("the Policy").
6. The improvements made to the Policy are:

- a) Amended title clarifying that the document applies to all members of the public, not just “complainants”, and to include the word “vexatious”, which is how most officers refer to the policy.
 - b) Alignment with the Unwanted Behaviour from Members of the Public Policy ([link](#)) adopted by the Committee in 2023; a separate policy dealing with behaviour that is intimidating, offensive, aggressive, abusive, threatening or violent.
 - c) Guidance on avoiding misuse of the Policy, including ensuring that the council’s formal complaints procedure has been followed where appropriate.
 - d) References to supporting Employee Wellbeing and relevant legislation.
 - e) Two template letters; a warning letter and a letter notifying that restrictions on contact with/from the council are being implemented.
 - f) A flowchart summarising the policy process.
7. We know from staff feedback that at present there is limited awareness of the current policy, what measures it allows and who must authorise these. Therefore, once approved, the Policy will be promoted across the council via the usual internal channels to ensure maximum awareness and appropriate use.

Environmental impact of the proposal

8. There are no environmental impacts directly associated with the proposals in this report.

Equalities impact of the proposal

9. It is vital that the measures set out in the Policy take account of any particular needs or reasonable adjustments that individuals may need to communicate with the council. To ensure this, the Policy requires officers to do the following:
 - a) Consider the circumstances of the individual, particularly if they have health conditions that may affect the way they communicate.
 - b) Ask individuals if they require any reasonable adjustments or alternative communication formats.
 - c) Assist individuals in finding an independent advocate.
 - d) Provide individuals with a list of organisations that can provide further advice and support ([here](#)).
 - e) Ensure that only officers of appropriate seniority take decisions to apply the Policy.
 - f) Provide the details of the Local Government and Social Care Ombudsman (LGSCO), who can be contacted if individuals are unhappy with any measures applied.
 - g) Provide a date by which any measures will be reviewed.
10. This policy was presented at an Equalities Impact Assessment panel on 13 November 2024.

Risk Assessment

11. Without an appropriate policy, some individuals' correspondence with the council will have a detrimental impact on its resources, service delivery and staff wellbeing. In addition, without an appropriate policy, officers may implement restrictions on individuals' contact with the council in a manner that:
- is ad hoc, inconsistent and/or disproportionate,
 - is poorly recorded and/or communicated across the council,
 - does not protect delivery of the council's statutory duties,
 - fails to take account of individual needs and circumstances,
 - has not been approved by officers with appropriate authority, and
 - attracts criticism from the LGSCO or legal challenge, causing reputational harm.
12. Inappropriate application of the Policy is prevented by requiring prior consultation with the relevant Head of Service and approval from the Head of Legal & Governance and Deputy Monitoring Officer.
13. Application of the Policy, including letters sent, restrictions imposed and their date for review, will be recorded and monitored by the Democracy and Complaints Manager.
14. Following implementation of the Policy, the Corporate Leadership Team (CLT) has requested an update on its use after six months. This will include a breakdown of the number of warning letters sent, restrictions imposed, by which council services and what kinds of behaviour have required application of the Policy.

Financial Implications of the proposal

15. There will be financial losses attributable to the vexatious and unreasonable behaviour demonstrated by some members of the public. These losses are difficult to quantify, but the Policy proposed will help to reduce them through proactive management of their interactions with the council.
16. Costs associated with criminal or civil litigation in regard to employee health and safety could be significant and court fines for breaches of health and safety legislation are now unlimited

Recommendations

17. That the Committee approves the Vexatious and Unreasonable Communications from Members of the Public Policy and Procedure for implementation.

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Appendices

Appendix 1 Proposed Vexatious and Unreasonable Communications from
Members of the Public Policy and Procedure