

# **FTC Policy on Correspondence and E Mail Communication**

## **1. Introduction**

- 1.1 In dealing with the sharing of information with members received either via the postal system or via email the Council will follow this policy.

## **2. Principles**

- 2.1 The Council is committed to dealing with communications equitably, comprehensively, and in a timely manner.

## **3. Aim of this policy**

- 3.1 The aim of this policy is to contribute to the Council's overall aim of dealing with all communications to the Council in ways which are demonstrably consistent.
- 3.2 It sets out how the Council will expect the Town Clerk to share information with members.
- 3.3 The policy is for the information of staff and members of the public.

## **4. Actions**

- 4.1 The Town Clerk will list all communications received in hard copy via the postal service and distribute the list to members on a monthly basis, together with council agendas. These communications will be available at council meetings for members' inspection.
- 4.2 The Town Clerk will inform the Mayor prior to the publication of the agenda of any postal communication requiring a decision and, subject to his/her approval, will include it as an agenda item for the following council meeting.
- 4.3 The Town Clerk will forward email communications to members in a timely manner and any communication requiring a decision will, subject to the Mayor's approval, be included it as an agenda item for the following council meeting.
- 4.4 If a Council member wishes any issue that is the subject of either postal or email communication to be included as an agenda item he/she will inform the Town Clerk in writing at least 7 days before the meeting giving his/her reasons for the request.
- 4.5 As a general rule communications, both postal and email, will only be read aloud at council meetings at the direction of the Mayor.
- 4.6 The Town Clerk will deal with all day to day, non-contentious correspondence and emails on behalf of FTC.

## **5. Review**

- 5.1 This policy will be reviewed by the Council after twelve months and at the end of every subsequent twelve months.

## **6. Associated policies, procedures and guidelines**

- Complaints Policy and Procedure

- Guidelines on Unreasonably Persistent and/or Vexatious Behaviour

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Policy Author: Sally Vincent  
Date Policy Agreed: 20<sup>th</sup> February 2013  
Date Policy Effective: 1<sup>st</sup> March 2013  
Policy Review Date: 1<sup>st</sup> March 2014

Please e-mail [sallyvincent957@btinternet.com](mailto:sallyvincent957@btinternet.com) or telephone 01208 871159

have any questions about this policy

need this policy in a language other than English

need this policy in another form (such as large print)

## **Guidelines on Unreasonably Persistent and/or Vexatious Complainants**

### **1. Introduction**

- 1.1 The Council must expect pressure from its customers if they believe that the Council has failed in its service to them or there have been unacceptable delays in the progress of their complaints. Such pressure may be persistent, and in many circumstances, this is reasonable and acceptable.
- 1.2 However, if a complainant behaves in a way that is unreasonably persistent and/or vexatious, the Council will follow its policy on unreasonably persistent and/or vexatious complainants. These guidelines accompany that policy.

### **2. Features of an unreasonably persistent and/or vexatious complainant (paragraph 4.2 of the policy refers to this section)**

- 2.1 The following list describes some of the features of a complainant who may be unreasonably persistent and/or vexatious. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category. The list merely includes examples of the behaviour and actions that the Council experiences, either individually or in combination. An unreasonably persistent and/or vexatious complainant may:
  - a) have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
  - b) refuse to specify the grounds of a complaint despite offers of assistance with this from the Council
  - c) refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
  - d) refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
  - e) refuse to accept that issues are not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
  - f) insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint, despite offers of assistance with this from the Council)
  - g) make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
  - h) make an unreasonable number of contacts with the Council, by any means<sup>1</sup> in relation to a specific complaint or complaints (it is impracticable to suggest a number in these guidelines, so Council's must use their own judgement to determine what an unreasonable number is in any one case)

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<sup>1</sup> such as by telephone, letter, fax, email or in person

- i) make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained in writing (or in another appropriate form) to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- j) harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, or their families, in relation to their complaint
- k) raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- l) introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- m) change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- n) deny statements he or she made at an earlier stage in the complaint process
- o) electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- p) adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the Standards Board, the police, solicitors, and the Local Government Ombudsman
- q) refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- r) make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- s) persistently approach the Council through different routes about the same issue
- t) persist in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons
- u) refuse to accept documented evidence as factual
- v) complain about or challenge an issue based on a historic and irreversible decision or incident
- w) combine some or all of these features

### **3. Being reasonable**

- 3.1 Raising legitimate queries or criticisms of a complaints 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.

- 3.2 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 3.3 The Council will offer the complainant appropriate support, as it would any other customer.
- 3.4 It may be helpful to both parties if the complainant has an advocate.
- 3.5 If he or she has special needs, the Council will offer relevant support, including, if appropriate, help with finding an advocate. There are specialist bodies (such as the Royal National Institute for the Blind, Cornwall Advocacy, Age Concern, and Language Line) which can be contacted for advice and help.

#### **4. Decision-making** (also see section 5 of the policy)

- 4.1 The decision to declare a complainant as unreasonably persistent and/or vexatious should be made by resolution of the Council.

#### **5. Options to restrict a complainant's contact with the Council, and other actions** (paragraph 6.1 of the policy refers to this section)

- 5.1 The options the Council is most likely to consider are:
  - a) requesting contact to be in a particular form (for example, letters only)
  - b) requiring contact to take place with one named member of staff only
  - c) restricting telephone calls to specified days / times / duration
  - d) requiring any personal contact to take place in the presence of an appropriate witness
  - e) letting the complainant know that the Council will not reply or acknowledge any further contact from him or her on the specific topic of that complaint.
  - f) banning a complainant from one or more Council premises
- 5.2 These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a complainant's contact must take account of the complainant's individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

#### **6. Actions after a complainant has been judged to be unreasonably persistent or vexatious** (also see section 6 of the policy)

- 6.1 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on the Council's contact with him or her, will be recorded and:
  - a) personal details about the complainant and about the complaint will be managed and stored appropriately in line with data protection and records management principles and procedures.

#### **7. Associated policies, procedures and guidelines**

- Complaints Policy and Procedure

- Policy on Unreasonably Persistent and/or Vexatious Complainants

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Guidelines Author: Sally Vincent

Date Guidelines Agreed: 20<sup>th</sup> February 2013

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