

## NORTH YORKSHIRE COUNCIL

### STANDARDS AND GOVERNANCE COMMITTEE

#### **PROTOCOL FOR DEALING WITH UNREASONABLY PERSISTENT/VEXATIOUS COMPLAINANTS**

The Council has published an Unacceptable Complainant Behaviour Policy, which covers unacceptable behaviour and unreasonable persistency and vexatiousness on the part of complainants - [Unacceptable complainant behaviour policy | North Yorkshire Council](#)

Helpful general guidance on unreasonable persistence/vexatiousness is also given by the Information Commissioner's Office in its guidance on dealing with repeat requests ([Dealing with repeat requests | ICO](#)) and dealing with vexatious requests ([Dealing with vexatious requests \(section 14\) | ICO](#)), in the context of Freedom of Information.

In adopting its Constitution and local ethical framework under the Localism Act 2011, the Council agreed that it would be appropriate for the Standards and Governance Committee to have a role in dealing with persistent and/or vexatious complainants and the handling of the complaints raised by them, in order to provide increased support to Officers and Members who are the subject of such complaints and who are dealing with such complaints, and to minimise the administrative and financial burden such complaints can impose upon the Council.

Whilst decisions in relation to imposing restrictions in relation to unreasonably persistent/vexatious complainants are taken by officers at senior level, the Standards and Governance Committee is the appropriate body for Member-level consultation and support (where deemed appropriate and requested by the relevant senior officer) for the designation of a complainant as unreasonably persistent or vexatious, in accordance with the Council's Unacceptable Complainant Behaviour Policy: the Committee has a key role in relation to conduct and propriety matters and the Council's statutory Independent Persons for Standards are invited to all meetings of the Committee and provide an independent viewpoint on all key standards issues. Where the Monitoring Officer is minded to declare a complainant as vexatious/unreasonably persistent, they shall consult with a panel of three Members of the Committee along with an Independent Person for Standards.

A panel of three Members of the Standards and Governance Committee, along with an Independent Person for Standards, may also be consulted upon and be asked to consider whether any restrictive action needs to be taken in each particular case presented to it for designation, in accordance with the Council's Policy. This restrictive action may include a decision that a standards complaint has ended and any further complaints on essentially the same issue(s) do not need to be considered through the assessment process in the usual way through the standards complaints procedure.

The Committee will review any matters in which it has been involved at the end of the time period allocated or after six months, whichever is earliest.

The fact that a complainant has been identified as an unreasonably persistent/vexatious complainant, may be taken into account in determining the action taken in response to a complaint.

Where a matter is proposed to be referred to the Standards and Governance Committee under this Protocol, the local Member shall be informed and shall be kept updated as to the progress of the matter and the outcome of the Committee's consideration of it and all future developments in the matter.

This Protocol has been instigated by the Committee in good faith and aims to address issues with, and relating to, such complainants in a manner which is fair to all concerned.

6 September 2023