

# Complaint Handling and Unreasonable Customer Behaviour Policies

RESPONSIBLE COMMITTEE: P&F

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This is a policy/procedure document of Saltash  
Town Council to be followed by both Town  
Councillors and Employees.

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# **Code of Practice for Handling Complaints**

## **1. Introduction**

Saltash Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Town Council or are unhappy about an action or lack of action by this Town Council, this Complaints Procedure sets out how you may complain to the Town Council and how we will try to resolve your complaint.

## **2. Scope**

This complaints procedure applies to complaints from Saltash Town Councillors, Cornwall Councillors, residents and the general public about the Town Council administration and procedures and may include complaints about how the Town Council employees have dealt with your concerns.

This procedure does NOT apply to:

2.1. Complaints by one Town Council employee against another Town Council employee, or between a Town Council employee and the Town Council as the Corporate Employer. These matters are dealt with by the Town Clerk and or the HR advisers.

2.2. Complaints against Councillors are covered by the Code of Conduct for Members. Town Councillors signed up to the Code of Conduct on taking office which adheres to the principles of public life. It is beyond the Town Council's legal powers to investigate complaints against any of its Members.

Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer at Cornwall Council:  
Mr S Mansell  
Cornwall Council  
Treyew Road  
TRURO  
Cornwall  
[simon.mansell@cornwall.gov.uk](mailto:simon.mansell@cornwall.gov.uk)

### **3. Complaints Procedure**

(see section 4 for contact addresses and numbers)

#### **3.1. Town Council Procedures and or administration**

If your complaint is about the Town Council procedures and or administration, please submit your complaint in person, by phone, or by writing to or emailing the Town Clerk.

Wherever possible, the Town Clerk will try to resolve your complaint immediately. If this is not possible, the Town Clerk will normally try to acknowledge your complaint within 10 working days subject to annual leave.

Depending on the type of complaint received the Town Clerk may delegate your complaint to a member of the Town Council Management Team to try to resolve the matter immediately, in line with the Code of Practice for Handling Complaints.

If you do not wish to report your complaint to the Town Clerk, you can make your complaint directly to the Chairman of the Town Council who, with a Member of the Town Council (as appropriate to the complaint), will try to resolve your complaint within 10 working days.

If this is not possible, the Chairman of the Town Council together with the appointed Member will report it to the Town Council or appropriate Town

Council Committee, subject to the complaint acting in accordance with the legal powers of the Town Council – Town Clerk to advise accordingly.

The Town Clerk or the Chairman of the Town Council with a member of the Town Council (as appropriate to the complaint) will investigate the complaint, obtaining further information as necessary from you and or from Town Council employees, Councillors of the Town Council or any other relevant person(s).

The Town Clerk or the Chairman of the Town Council will notify you within 20 working days of the outcome of your complaint and of what actions (if any) the Town Council proposes to take as a result of your complaint. In exceptional cases, the 20 working days timescale may have to be extended. If it is, you will be kept informed.

If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Town Council. You will be notified in writing of the final decision of the review of your original complaint.

### 3.2 Town Council Employees

This section of the policy applies to everyone except a Town Council employee.

If you have a complaint about a Town Council employee, please submit your complaint in person, by phone, or by writing to or emailing the Town Clerk.

Wherever possible, the Town Clerk will try to resolve your complaint immediately. The Town Clerk may contact the HR advisers for guidance.

Due to the nature of the complaint under employment law and GDPR, the Town Clerk will notify you, where possible, of the outcome of your complaint.

### 3.3 The Town Clerk/Responsible Finance Officer (RFO)

This section of the policy applies to everyone except a Town Council employee.

If you have a complaint about the Town Clerk/RFO, please submit your complaint in person, by phone, or by writing to or emailing the Chairman of the Town Council.

Wherever possible, the Chairman of the Town Council will try to resolve your complaint immediately. The Chairman of the Town Council will seek advice from the HR advisers for guidance.

Due to the nature of the complaint under employment law and GDPR, the Chairman will notify you, where possible, of the outcome of your complaint.

### 3.4. Timeframe

All complaints might take longer due to a number of reasons i.e. annual leave, sickness absence, work commitments etc therefore the targets including 'immediately' are targets subject to availability at the time of receiving your complaint.

Complaints that relate to Health and Safety matters will be escalated.

#### **4. Contact Details**

Town Clerk  
Saltash Town Council  
The Guildhall  
12 Lower Fore Street  
Saltash  
PL12 6JX

Telephone: 01752 844846 option 5

Email: [sinead.burrows@saltash.gov.uk](mailto:sinead.burrows@saltash.gov.uk)

Chairman of the Town Council

Same address and contact number as above.

Email the [mayorssecretary@saltash.gov.uk](mailto:mayorssecretary@saltash.gov.uk) to request the Chairmans direct email address or visit [www.saltash.gov.uk/mayoral.php](http://www.saltash.gov.uk/mayoral.php)



# **Unreasonable Customer Behaviour and Persistent Complaints Policy**

## **1. Purpose of the policy**

The aim of this policy is to help customers and staff to understand how Saltash Town Council manages unreasonably persistent and unreasonable behaviour by customers.

It gives clear guidance as to the definition of unreasonable behaviour and explains what actions staff should take when presented with such behaviour or unreasonable requests or vexatious requests for information.

This Policy has been based on guidance issued by the Local Government and Social Care Ombudsman (LGSCO) and the Information Commissioner's Office (ICO) and relates to unreasonably persistent written and verbal communication with the Town Council. This policy is not a replacement for the Zero Tolerance Policy and relates to unreasonably persistent written and verbal communication with the Town Council.

## **2. Summary**

Dealing with correspondence from customers, be it a complaint or information requests are usually a straightforward process. However, in a minority of cases, people pursue correspondence in a way that can impede the investigation of their complaint or can have significant resource implications for the Town Council.

This policy has been formulated to deal with the small number of customers who make it necessary for special arrangements to be made.

It should be noted that there are differences between Freedom of Information (FOI) and non-FOI related cases although the general principles below apply to both instances.

When referencing FOI in this Policy, this also applies to Environmental Information Regulation (EIR) requests. Requests that relate to the environment, land or property fall under the EIR regime rather than FOI but are dealt with in a similar manner. Requests for personal information may fall under the UK General Data Protection Regulation (UK GDPR). These will be dealt with under guidance issued by the ICO. (which are dealt with separately)

We always aim to deal with any correspondence or complaints in a way that is open, fair and transparent and we will always ensure that complaints, or requests for information are dealt with impartially.

However, we have developed this policy to cover two areas, firstly people who complain and the staff who manage those complaints understand what to do if people start to behave unreasonably and to ensure that the small number of those who seek to unreasonably pursue complaints do not take up a disproportionate amount of members or staff time to the detriment of others.

Secondly to deal with unreasonable contact that may not be complaint related but takes an unsustainable amount of time or is aggressive in its nature.

### **3. Background**

We do not normally limit the contact people have with us. Whether they are complaining, making a request for service, an information request or seeking help and guidance, we are committed to dealing with all requests fairly and impartially and to providing a high quality of service. We are keen to resolve any dispute and/or complaint as early as possible and there are well established procedures that can be followed to achieve this.

Occasionally, the behaviour of a small minority of customers can make it very difficult for the Town Council to deal with their concerns. In these cases, the actions of some customers become unacceptable because they involve abuse of processes, violence and aggression to staff or other people, including Town Councillors. When this happens, we have a responsibility to our staff and Town Councillors to take appropriate steps to limit the customers contact with the Town Council.

On other occasions we have to consider whether a customer's actions are having an impact on our ability to do our work and to provide a service to others. Such actions can occur while either the complaint is being investigated, or once we have completed the investigation.

We understand that people sometimes feel frustrated about matters, but we will not tolerate behaviour which we deem to be unacceptable, threatening, abusive or unreasonably persistent towards staff or Town Councillors or imposes such a burden on the Town Council that is an unreasonable drain on Town Council resources.

#### **4. Scope**

We define unreasonably persistent and unreasonable customers (referred to as Vexatious or Manifestly Unreasonable under FOI/EIR) and Manifestly Unfounded under UK GDPR, as those customers, who because of the frequency or nature of their contacts with us hinder our consideration of their or other people's issues or complaints.

These are generally covered under two key areas:

- customers who feel that the Town Council has not dealt with their issue, complaint or information request properly and are not prepared to leave it there; and
- customers who may have a justified dispute, complaint, information request or grievance, but these are either being pursued in inappropriate ways, or customers may be intent on pursuing the issue which appears to have no substance, or which may have already been investigated and determined. Their contacts with the Town Council may be amicable but still place very heavy demands on employee time, or they may be very emotionally charged and distressing for all involved.

Sometimes a situation between the Town Council and a customer can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is totally unacceptable, for example, abusive, offensive or threatening behaviour.

The Town Council is committed to ensuring that disruptive and abusive customers within its premises are managed in an appropriate and consistent manner, which provides a safe and pleasant environment, conducive to the effective access to and use of Town Council resources and services.

Any decision resulting from the use of the policy normally applies to the nature of the dispute, complaint or subject matter and not to the customer themselves.

However, it is very likely that the customer's previous behaviour will have some bearing on how to proceed with unrelated future correspondence or contact with the Town Council, particularly where there has been an element of extreme behaviour or

verbal abuse. The Council aims to provide a safe workplace for all staff, contractors and visitors to Town Council premises.

The Council operates a zero-tolerance policy towards any harm, abuse or threats directed towards staff or members, and any behaviour which may be deemed disruptive or constitutes a criminal offence. It should be noted that it is not the substance of the complaint or information request that should be considered when this policy is used as there are routes that a customer can follow if they consider that the Town Council has not resolved a matter to their satisfaction. This policy considers if the contact itself is unreasonably persistent, or in the case of information requests, vexatious or unreasonable.

## **5. Examples of unreasonable behaviour/actions**

The following is a list of some actions and behaviours which may be deemed as unreasonable, unreasonably persistent, or vexatious/manifestly unreasonable under FOI/EIR. This list is by no means exhaustive and is designed to give an indication of the type of behaviour that is considered to be unreasonably persistent.

For further advice, please contact the Town Clerk.

- Refusing to specify the grounds of a dispute and/or complaint, despite offers of assistance from Town Council employees.
- Refusing to co-operate with the complaints investigation process (Complaint Handling Procedure) while still wishing their complaint to be resolved;
- Refusing to accept that certain issues are not within the scope of the Town Council's complaints procedure despite having been provided with information about the scope of the Complaint Handling Procedure.
- Insisting on the dispute and/or complaint being dealt with in ways which are incompatible with the Town Council's adopted complaints procedure (Complaint Handling Procedure) or with good practice.
- Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced or harbouring personal grudges.
- Changing the basis of the complaint as the investigation proceeds.

- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed and unimportant questions and insisting they are all fully answered.
- Covertly recording meetings and conversations without the prior knowledge and consent of other persons involved.
- Submitting falsified documents from themselves or others.
- Adopting a 'scattergun' approach: pursuing parallel disputes and/or complaint(s) on the same issue with a variety of staff, Members, departments or services.
- Making unnecessarily excessive demands on the time and resources of employees whilst a dispute and/or complaint is being looked into. Making excessive telephone calls or sending emails to numerous Town Council staff or Members, writing lengthy complex letters every few days and expecting an immediate response.
- Submitting repeat complaints or information requests (after the complaints/FOI process has been completed) essentially about the same issue(s), with minor additions/variations which the customer insists make these a 'new' dispute and/or complaint.
- Being abusive or using aggressive language.
- Rejecting attempts by the Town Council to assist and advise and showing no willingness to engage with Town Council staff.
- Explicitly stating that it is their intention to cause disruption to the Town Council.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

- Using other family members, associates or membership of a group or body to attempt to re-open a complaint already pursued by a complainant or to try to further requests or complaints already pursued; or
- Frequently using public questions at a meeting of the Town Council or a Committee to pursue a complaint or information request(s): or to raise matters which are already considered by the Town Council to be resolved;
- Combinations of some or all of the above or other actions that are judged to be unreasonable.

The following sections set out the procedures in relation to non-FOI and FOI cases

### **For non-FOI related cases (sections 7 – 10)**

The following sections cover non-FOI related issues such as complaints or wider Town Council contact/disputes.

## **6. What actions can be taken to stop or limit the behaviour?**

The actions we take will depend upon the nature and extent of the behaviour(s) that are shown in this policy. As is set out above if violence or aggression is demonstrated towards staff or members this is dealt with under different provisions. Any action taken should be appropriate and proportionate to the nature and frequency of the customer's contacts with the Town Council.

Initially, and depending on the nature of the complaint, a face-to-face meeting may be offered to the complainant, though this is at the discretion of the Town Council.

If their persistence adversely affects the Town Council's ability to do its work, is disproportionately resource intensive and/or adversely affects the Town Council's ability to provide a service to another, the Town Council may need to address their behaviour in the following ways.

Initially the customer may be sent a letter by Saltash Town Council which will explain that their conduct is becoming a concern. The letter will ask that the behaviour exhibited is moderated and will suggest, where appropriate, that a single point of contact is used to contact the Town Council and will set out who this will be.

Should this request not be heeded there are 2 stages which must be followed for a customer to be made unreasonably persistent or their unreasonable behaviour recognised as such.

### **Stage 1 (Formal prior warning)**

If customer ignores the initial letter and is deemed to be unreasonably persistent or demonstrating unreasonable behaviour, the Saltash Town Council or their nominated representative will issue a formal prior warning letter, including the following points:

- A further explanation of why the customer's behaviour is deemed unacceptable;
- An offer of a meeting, if deemed appropriate by the Town Council, with an Officer from the Town Council to try and resolve the dispute / complaint / issue and explain to the customer why their behaviour is unacceptable;
- Advising of a single point of contact for any further correspondence;
- A statement of future intent to apply restrictive action to the customer's contact should their behaviour continue and the time period this will exist for.
- Including a copy of the Unreasonable Customer Behaviour and Persistent Complaints policy referencing parts of it considered to be relevant.

Any arrangements for limiting a customer's contact must take account of the customers individual circumstances however, such actions may include blocking a customer's email address, denying the customer the ability to email the Town Council, staff and Members and/or refusing to take telephone calls from the customer.

It should be noted that whilst restricting email access to the Town Councils system is an effective way at limiting a customer's contact, access must be allowed to certain addresses (dependent on need) to allow the customer to correspond electronically on other matters if required. As a result the single point of contact will need to ensure that other affected services are informed of the status.

Should such action be necessary the customer's name will be added to the Town Councils register as having been sent a formal prior warning letter and a report will

be submitted to the next available meeting of the Policy and Finance Committee or the next Full Town Council meeting if earlier and the Town Clerk feels the matter is of sufficient urgency.

In either case the report will be received in confidential part two of the meeting.

### **Stage 2 (Full implementation of the policy)**

- Full implementation of the policy will be undertaken by the Town Clerk, or their nominated representative, in liaison with the Policy and Finance Committee; on the provision of the following being undertaken and recorded.
- Before the policy can be fully implemented, Saltash Town Council must be satisfied that the customer is behaving in an unreasonable or persistent manner (as per the policy), that the complaint / issue / dispute has been dealt with properly and in accordance with the Complaint Handling Procedure and stage 1, a formal prior warning letter has been sent to the customer as outlined above.
- Once satisfied, the Town Clerk will take a report (factual and unbiased) to the Policy and Finance Committee detailing:
  - a history of the dispute / complaint,
  - the reasons why the customer's behaviour is felt to be unreasonable or persistently unreasonable,
  - a log of contact with the customer (to include dates, times and nature of contact)
  - any other related information which is of relevance.

The role of the Policy and Finance Committee is to consider if the customers contact with the Town Council is unreasonably persistent, it will not examine the complaint overall as the customer has other routes by which this could be achieved.

- Once completed, the report and recommendations from the Policy and Finance Committee will be passed to the Town Clerk who will check the report



prior to it being submitted to the next available meeting of the Town Council for consideration.

- Whilst there is no right for the customer to speak at the meeting of the Policy and Finance Committee as the item will be taken in Part Two - **Public Bodies (Admission to Meetings) Act 1960**, they will be offered the opportunity to provide a written submission to the Committee which will be included in the report;
- If the Town Council takes the decision to make the customer unreasonably persistent and apply restricted access, the Town will write to the customer with a copy of the Unreasonable Customer Behaviour and Persistent Complaints Policy explaining:
  - why the decision has been taken.
  - what it means for their contacts with the Town Council.
  - how long any restrictions will last.
  - what the customer can do to have the decision reviewed.
- Should a customer who has been declared unreasonably persistent raise new issues or complaints, these will be reviewed on their own merits and consideration given to any restrictions on the customer which have previously been applied before the new issues are processed.
- The customer will be added to the Town Council's register as being declared by the Town Council as a persistent complainant, also ensuring relevant staff / Town Councillors are made aware.

## **7. What happens if a customer continues to contact the Town Council?**

The Town Council will appoint a named Officer or representative to deal with and review any future correspondence or contact from the customer. When reviewing any future correspondence, the officer should consider whether this relates to an existing issue or whether it is a new concern.

Where a customer continues to contact the Town Council about an existing issue to which this policy has been applied but provides no further new evidence to support

their complaint, no further action will be taken on the issue. A letter will be sent to the complainant advising of this and then no further correspondence will be entered into.

If a customer raises a new complaint or provides further new evidence to support their existing complaint, the Town Council will make a decision as to how this will be dealt with and whether any existing restrictions (as per this policy) are still appropriate.

If a customer's behaviour becomes abusive or threatening, the Town Council may take the decision to inform the police.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, advocate, or simply to submit the same or identical complaints on their behalf.

Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

Should a customer seek to circumvent this policy by contacting their local MP or Town Councillor whilst we will engage with the MP or Town Councillor, we will ask that they assist in maintaining the customer's status, subject to their own investigations into the matter.

The ability for customers who are declared unreasonably persistent to ask questions during the public question sessions of Town Council, and or of the Committees of the Town Council will be considered on a case-by-case basis by the Town Council in accordance with the policy.

Further, should a customer to whom the policy has been applied, continue to email, write in or telephone, staff and Members have the right to not reply or respond to this communication without this being considered as a breach of the Code of Conduct for Members.

## **8. What can a customer do to challenge the Council's decision?**

If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Town Council. You will be notified in writing of the final decision of the review of your original complaint.

## **9. How does the Town Council review the decision?**

Where restrictions (in line with this policy) have been applied to a customer, they will normally be in place for **12 months** but will be subject to a review at **6 months** by the Town Council, reporting to the next available Policy and Finance Committee meeting, the customer will be advised of the review and outcome in writing.

At the end of the designated period of restrictions (normally **12 months**), the Town Council will review the case, reporting to the Policy and Finance Committee.

Where the review finds no grounds for continuing restrictions these should be lifted and relationships restored to normal.

Where it is recommended that restrictions are to continue beyond **12 months**, the report should be evidence based and with good grounds for the extension. The report will be submitted to the next available meeting of the Town Council to approve and reappoint representatives to act for the Town Council in this case.

The Town Clerk (or their nominated representative) will write to the customer to advise them of the outcome of the review by the Policy and Finance Committee.

Where any restrictions are to continue, the customer will be notified of this alongside an explanation of why and when the next review is scheduled to take place (normally **six months**).

## **10. Confidentiality, legal requirements and non-compliance**

- All personal data provided to the Town Council will be processed in accordance with UK GDPR and the Data Protection Act 2018;

### **For FOI/EIR related cases (sections 12-18)**

The following sections cover FOI cases where it is deemed that a request is Vexatious under Section 14(1) of the Freedom of Information Act (FOIA) or Manifestly Unreasonable under regulation 12(4) b of the Environmental Information Regulations (EIRs).

Section 14(1) of the FOIA: The Town Council does not have to deal with requests that are vexatious under this section. This applies only to the request and not the requestor so there should be a careful assessment before a request is classified as vexatious. The Information Commissioner's Office (ICO) may be able to provide guidance and has set out indicators that may identify vexatious requests:

- Abusive or aggressive language is used.
- The requests are placing an undue burden on the Town Council.
- The requests form part of a personal grudge.
- The requests are unreasonably persistent.
- The requestor is intransigent.
- The requests are frequent and/or overlapping on the same issue.
- The requests are designed to cause annoyance.
- The requests require a disproportionate effort to fulfil.
- The requestor is using the information request route to pursue other complaints or grievances against the Town Council.

The application of s.14 (1) should be considered where it is believed that the request is disproportionate or unjustified.

#### **11. What actions can be taken to stop or limit the behaviour?**

Where it becomes apparent that the nature of a request or string of requests is potentially making a request vexatious or manifestly unreasonable, consideration should be given to warning the requestor that if they are to submit any further requests on the same issue, it is likely that these requests will be deemed as vexatious under FOI or manifestly unreasonable under EIR.

#### **12. What happens if a customer continues to contact the Town Council?**

If a further request is received on the same or similar subject matter under FOI/EIR then a decision will be taken by the Town Council in conjunction with the responsible

officer that the request is vexatious/manifestly unreasonable and the requestor will be informed of the decision, along with the reasons for the decision being taken. Only the request itself can be considered vexatious and not the individual who submitted it. Therefore, any further requests from the same requestor should be treated and assessed independently.

Where necessary, further advice should be sought from CALC or the Monitoring Officer, Cornwall Council.

Where the time (or cost) of dealing with the request is the main issue, consideration will be given to applying Section 12 of the FOIA or Regulation 12(4) (d) under the EIR where the time/cost of dealing with a request is unreasonable and consideration given to asking the requestor to narrow down or reduce the scope of the request to bring it within an appropriate time frame (18 hours under the FOIA).

Where appropriate, consideration should be given as to whether the wider Unreasonable Customer Behaviour Policy should also be invoked in addition to making a request vexatious/manifestly unreasonable.

The requestor will then be added to the Town Council's register of customers who have been made vexatious as defined by this Policy, also ensuring relevant staff /Members are made aware.

Customers should not seek to circumvent this policy by asking someone else who is connected to them, such as a family member, someone of close association, MP, Local Member or advocate, or simply to submit the same or identical complaints on their behalf. Should we consider that someone is acting in place of or with a declared unreasonably persistent complainant, the customer who has submitted the duplicate complaint will be treated in the same manner.

### **13. What can a customer do to challenge the Town Council's decision?**

If a requestor is unhappy with the decision to make their request vexatious/manifestly unreasonable, they have the right to ask the Town Council to carry out an Internal Review. The case will then be considered by an independent senior officer who will review the case and notify the requestor of the decision. If

following the Internal Review, the requestor is still unhappy, they have the right to contact the Information Commissioner's Office (ICO) who will then decide on the evidence supplied, whether to investigate the case.

#### **14. How does the Town Council review the decision?**

Where a request has been made vexatious or manifestly unreasonable, no further requests to similar matters raised will be considered within a 12-month timeframe. Any new request will be reviewed within this timeframe and a decision will be taken as to whether this is a new request (and dealt with as a fresh request) or falls within the subject matter made vexatious/manifestly unreasonable.

#### **15. Dealing with requests that are manifestly unfounded or excessive**

A request for personal information made as a Subject Access Request (SAR) under UK GDPR can be refused if it is considered manifestly unfounded or excessive.

The ICO guidance says that a request may be manifestly unfounded if:

- The individual clearly has no intention to exercise their right of access. For example an individual makes a request, but then offers to withdraw it in return for some form of benefit from the organisation; or
- The request is malicious in intent and is being used to harass an organisation with no real purposes other than to cause disruption.

For example:

- The individual has explicitly stated, in the request itself or in other communications, that they intend to cause disruption.
- The request makes unsubstantiated accusations against you or specific employees.
- The individual is targeting a particular employee against whom they have some personal grudge; or

- The individual systematically sends different requests to you as part of a campaign, e.g. once a week, with the intention of causing disruption.

You must consider a request in the context in which it is made, and you are responsible for demonstrating that it is manifestly unfounded.

In addition, you should not presume that a request is manifestly unfounded because the individual has previously submitted requests which have been manifestly unfounded or excessive or if it includes aggressive or abusive language.

The inclusion of the word “manifestly” means there must be an obvious or clear quality to it being unfounded. You should consider the specific situation and whether the individual genuinely wants to exercise their rights. If this is the case, it is unlikely that the request will be manifestly unfounded.

## **16. What does excessive mean?**

A request may be excessive if:

- It repeats the substance of previous requests, and a reasonable interval has not elapsed; or
- It overlaps with other requests.

However, it depends on the particular circumstances. It will not necessarily be excessive just because the individual:

- requested a large amount of information, even if you might find the request burdensome. Instead, you should consider asking them for more information to help you locate what they want to receive, please see 'Can we clarify the request?'
- wanted to receive a further copy of the information they have requested previously. In this situation a controller can charge a reasonable fee for the administrative costs of providing this information again and it is unlikely that this would be an excessive request.

- made an overlapping request relating to a completely separate set of information; or
- previously submitted requests which have been manifestly unfounded or excessive.

When deciding whether a reasonable interval has elapsed you should consider:

- the nature of the data – this could include whether it is particularly sensitive.
- the purposes of the processing – these could include whether the processing is likely to cause detriment (harm) to the requester if disclosed; and
- how often the data is altered – if information is unlikely to have changed between requests, you may decide you do not need to respond to the same request twice. However, if you have deleted information since the last request you should inform the individual of this.

## **17. Refusal to comply with a request**

Where the Town Council is refusing to comply with a request, you must inform the individual without undue delay and within one month of receipt of the request of:

- the reasons you are not taking action.
- their right to make a complaint to the ICO or another supervisory authority; and
- their ability to seek to enforce this right through a judicial remedy.

You should also provide this information if you request a reasonable fee or need additional information to identify the individual

## **18. Record Keeping**

The Town Clerk will keep adequate records of the details of the case and action taken. The register will also include cases where an initial warning letter has been sent.



Records will be kept of:

- The name and address of each member of the public who has been identified as unreasonably persistent, vexatious or abusive and any other person who aids the complainant.
- When the restrictions came into force and end
- What the restrictions are
- When the person was advised and copies of correspondence
- Copies of all correspondence with appointed external representatives
- Dates of and copies of all reports to Town Council Committees.

Adequate records should also be kept to show:

- When a decision is taken not to apply the policy when an officer has asked for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision taken not to put a further complaint from this customer through the complaint's procedure for any reason, and When a decision is taken not to respond to further correspondence, make sure any further letters or emails from the customer are checked to pick up any significant new information.

## **Appendix A**

### **Zero Tolerance Policy**

Saltash Town Council has introduced a zero-tolerance initiative to address the issue of violence, aggression and unacceptable behaviour directed towards Town Council employees/councillors. Violence and aggression is inappropriate towards any Saltash Town Council employee/councillor and is unacceptable.

#### **1. Violence and aggression at work**

- 1.1. Violence and aggression at work is defined as any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.
- 1.2. Physical assault is defined as the intentional application of force from one person to another, without lawful justification, resulting in physical injury, personal discomfort or damage to property.
- 1.3. Non-physical assault is defined as the use of inappropriate words (including, but not exclusively, verbal/written/social media) or behaviour causing alarm, distress and/or constituting harassment.
- 1.4. Persistent unacceptable behaviour is defined as referring to behaviour both within one contact and/or a number of separate contacts over an undefined period (this includes telephone contact).

#### **2. Zero tolerance**

Saltash Town Council will not accept or tolerate any violence or aggression towards its employees/councillors and any such act/behaviour towards its employees and any such act/behaviour will result in appropriate action or sanctions.

#### **3. Guidance**

For certain individuals that use the Town Council services, individual risk assessments may need to be undertaken where necessary.

