

PRIVATE AND CONFIDENTIALMr. C. Bury
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Dear Mr Bury

RE: REVIEW UNDER THE UNREASONABLE BEHAVIOUR POLICY FOR VEXATIOUS BEHAVIOUR

I write further to our letter of 18th December 2020, where I set out the nature of your behaviour and stating the following

“Such behaviour is unacceptable and I ask you to stop writing inaccurate and untrue statements about professionals and naming them on your blog, and any other social media forums you may be using. Please take down these comments immediately from your blog, including the names of the social workers and their professional numbers and desist from continuing with this course of action. You have until 30th December 2020 to remove the information before both legal action and invoking the Unreasonable Behaviour Policy will be undertaken.

I am also aware that you have written to all members of the Council with regard to comments about Mr Vickers. I would also request that you refrain from sending communications to all Council members in this regard.”

Since sending you the letter requesting that you cease behaving in the manner set out above, the following has come to our attention: -

- On the 25th December 2020, you wrote to Councillor █ █ after specifically being requested to stop writing to Councillors.

It has also come to our attention that you continue to post accusatory statements on Twitter directed to Mr Vickers; these include –

- 10th January 2021 you posted – “Three questions to @svickers█ to answer
 1. Why did you deny my mother CHC funding assessments for an extended time?
 2. Why did you authorise multiple erroneous DoLS applications for my brother?
 3. Why did you allow no less than four of you colleagues to fabricate records?
- I further note that on the 8th January 2021, you posted – “Today is 308 days since I last had contact with my vulnerable brother. The Priory Group ignoring the court order, legislation and gov guidance. All while Herefordshire Council chose to continue their neglect, punitive restriction and long-running form of psychological abuse”.

- Furthermore, and of most concern, on the 31st December 2020, you have uploaded a voice recording titled 'A Bogus Best Interest Meeting 2017'. Along with this post, you have written; *"Due to Herefordshire Council's lies & threats of legal action. I post this part recording of me & advocate as some proof I was misled, lied to and 'professionals' later help Priory Group conceal what occurred; losing my brother to them"*.

I need to remind you of the confidentiality statement that is clearly outlined within Best Interests Meeting minutes, which state –

Confidentiality

"The contents of these minutes are highly confidential and must not be reproduced; divulged or copied in any way. Information disclosed at this meeting should not be shared with any other person unless fully discussed and identified as an action point and these notes are to be kept completely confidential. In certain circumstances, it may be necessary to make information from this meeting available to relevant professionals involved in the care of the vulnerable adult and this could include any legal process."

We wrote to you on 18th December 2020 to explain that if you continued to make derogatory comments about members of council staff, or continued to make approaches to Council members, the Council would take appropriate action against you under our unreasonable behaviour policy.

You have continued to contact Councillors and continued to make comments about members of Council staff on your blog and social media. The Council has a duty of care to its employees to protect them from avoidable stress and upset at work and to use policies and procedures to protect them from what we consider to be unacceptable levels or types of contact. We have endeavoured to respond to all of your complaints and enquiries and are now at the stage where your behaviour is having a detrimental impact on our staff. We believe this has now become unacceptable and unreasonable.

We have therefore decided to invoke our "Unreasonable Behaviour Policy", a copy of which I enclose. Section 1.1 and Section 1.2 covers the behaviours that we consider to be unreasonable: -

- Unreasonable communication through social media
- Derogatory remarks
- Making inflammatory statements
- Raising unsubstantiated allegations
- Adopting a "capture all" or "scatter gun" approach by contacting many councillors about the same issue.

Under the unreasonable behaviour policy, there are a number of ways by which we can manage and/or restrict contact with individuals (under Section 3 of the policy). The sanctions that we will invoke in this case are:

- Section 3 Option 1 and Option 9. We will manage the council employees with whom you can have contact. We require that you will only contact the council via email (addressed to M█████.A█████@herefordshire.gov.uk). Your emails to anyone else in

the council will be streamed to this email address and forwarded to the appropriate member of staff.

- Option 10: We will not respond to correspondence which is abusive or offensive.

The decision to invoke the unreasonable behaviour policy has not been taken lightly, but it is felt that the restrictions that we have put in place are proportionate and reasonable, allowing you access to the council through a managed process.

I should make it clear that this in no way restricts your right to approach any other external body in relation to your matters. I feel that we have struck the balance between allowing you to contact officers via a single point of contact when you need to raise a concern and also protecting our staff and resources.

These sanctions will remain in place for 6 months and will be reviewed in July 2021. You will be advised in writing of the outcome of the review.

If you do not abide by these restrictions/sanctions, or if there are any further incidents of unacceptable behaviour, consideration will be given to taking further action against you.

With regards to legal action, I would like to remind you that you are still subject to a Transparency Order following the Court of Protection proceedings. This order remains in force until further notice. A further copy is attached for your information. This Order prohibits you from publishing information in relation to the Court proceedings, which includes identifying your brother, as well as identifying any other party (including Herefordshire Council) that were part of the proceedings. The order prevents you from linking your brother to the Court proceedings, including setting out where your brother lives, is being cared for and/or his contact details.

I want to make it clear that it was the Court of Protection (High Court) who determined final arrangements in relation to your brother's residence and contact. You were legally represented within the Proceedings and are bound by the contents of the Court Order. You should seek your own legal advice in relation to the proceedings and the Court Order if you do not agree with the final decision or the contents of the Court Order. You are aware that you have the opportunity to have contact with your brother but at present this does not appear to be happening.

In addition, your brother has a right to privacy and publishing any information, which could identify him, can be seen as a breach of his privacy rights and further steps may be taken to address any further and on going breaches.

Mr Vickers has offered to meet with you on a number of occasions previously, by way of letters dated 25th January 2018 and 20th February 2018. To date, you have refused to meet with him. The offer to meet with him remains for you to discuss your concerns.

I would therefore urge you to work with us and abide by these measures so that we can resolve your issues. A copy of this letter has been sent to our Information Access Team who will keep a record of any further action taken against you.

If you do not agree with what has been set out in the letter, or have any comments to make, you may contact the Local Government Social Care Ombudsman. This body can be contacted by writing to Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH, telephoning 0300 061 0614, website www.lgo.org.uk/making-a-complaint or fax 024 7682 0001.

Yours sincerely



Alistair Neill GM
Chief Executive