

PRIVATE AND CONFIDENTIAL

Dear Mr Bury,

Unreasonable Behaviour & Subject Access Request

You were contacted on the 20 July 2023 by Sean O'Connor of these offices to inform you that your behavior was unreasonable in your continued persistence to raise points that the Council had already considered.

At that time you had sent in excess of a hundred emails to Councillors about this. This is despite the Council replying to your Subject Access Request in full on 23 May 2022, the Information Commissioners Office dismissing your complaint on 16 January 2023 and the Council explaining to you that it could not assist you further.

You are repeating the same points that have already been resolved by the Council and as supported by the ICO. You were asked to stop contacting the Council, officers and Councillors on 20 July 2023

You have now contacted councillors 145 times by email and have now written to the Chief Executive Officer on 15 August 2023 – you are raising exactly the same points again despite you having received our response on this.

We have endeavoured to respond to all of your complaints and enquiries and have now got to the stage where your behaviour has now become unacceptable and unreasonable. Such behaviour that you exhibit has a significant impact on staff time and resources, and the ability of staff to deal with other customers who may need assistance.

We have decided to invoke our "Unreasonable Behaviour Policy", a copy of which was sent to you on 20 July 2023. Section 1.2 covers the behaviours that we consider to be unreasonable:

- making a number of approaches about the same matter without raising new issues
- refusing to accept a decision made where explanations for the decision have been given
- continuing to pursue complaints/issues which have already been investigated and determined

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 are using in Section 3 are:

- Options 1 and 9: We will manage the council employees with whom you can have contact. We require that you will only contact the council via letter to Sean O'Connor or email sean.oconnor@herefordshire.gov.uk. Any emails sent to anyone else in the council will be streamed to this email address and forwarded to the appropriate member of staff.
- Option 8: We have already fully explained our reasons for a decision and you have exhausted the procedure to request a review of that decision, so we are declining to respond to further correspondence. We will therefore not acknowledge receipt of any correspondence relating to matters already dealt with.
- Option 10: We will not respond to correspondence which is abusive or offensive.
- Option 12: If you post derogatory, defamatory, offensive or threatening remarks on social media then we will ask the site to remove them and block your account.

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 on 04 March 2024. 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. If any legal action is necessary, any costs incurred will be sought from you and these may be considerable.

I would 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



Claire Porter
Director of Governance & Law