



PERSISTENT AND VEXATIOUS CORRESPONDENTS POLICY

Equality

In accordance with the Equality Act 2010, we shall make any reasonable adjustments to assist those with a protected characteristic or disability to engage fully with the Commission. If you require any assistance with this document, please let us know.

We are also a member of Happy to Translate and can provide language assistance with this document or make it available in alternative formats if required and upon request.

☎ 0141 270 7030

✉ info@sccrc.org.uk

1.0 Introduction

- 1.1 The Scottish Criminal Cases Review Commission (“the Commission”) has established the Persistent and Vexatious Correspondents Policy (“the Policy”) to deal with what the Commission deems to be unacceptable contact by persistent and/or vexatious correspondents.

2.0 Aim

- 2.1 The aim of the Policy is to identify and address those correspondents who meet the definitions for persistent and/or vexatious correspondents so that such correspondents do not affect adversely the cases under review and review timescales as well as the Commission’s resources, including its staff.

3.0 Definitions

- 3.1 The term “correspondent” includes anyone who contacts the Commission’s office or a member of the Commission’s Board or staff – whether in person, by telephone, letter or email – about any case-related or non-case-related matter.
- 3.2 A correspondent may be classified as persistent and/or vexatious in any of the situations listed below. (This list is not exhaustive: the Commission will exercise its discretion in deciding whether a correspondent is persistent and/or vexatious.)

- Where a correspondent makes what are unreasonable requests by virtue of the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. Such requests may include seeking responses within unreasonable timescales, insisting on seeing/speaking to a particular member of staff, making repeated telephone calls, writing repeated letters or emails, repeatedly changing the substance of correspondence or raising unrelated concerns. Such requests are unreasonable if they start to affect adversely the work of the Commission to the disadvantage of other correspondents or functions.
- Where a correspondent is unreasonably persistent in their contact or communication with the Commission by virtue of their being unable to accept that no further assistance or level of service can be provided/all internal review mechanisms have been exhausted. This level of persistence may arise by virtue of their disagreeing with the decisions or actions that the Commission takes during its reviews, refusing to accept explanations relating to what the Commission can or cannot do or incessantly pursuing matters without presenting any new information.
- Where a correspondent uses threatening or abusive language towards Commission staff. The Commission enforces a zero-tolerance approach concerning any form of threatening or abusive behaviour, which includes verbal abuse or physical violence or intimidation, towards its staff.

4.0 Application and Registration

4.1 Classification of a correspondent as vexatious and/or persistent is not likely to be a frequent occurrence and is done so only through close application of the Policy. The Policy will be applied depending on how a correspondent meets the definition of vexatious and/or persistent.

4.2 The Commission may decide to:

- take telephone calls from the correspondent only at set times on set days or arrange for one member of staff to deal with the correspondent's calls or correspondence;
- take correspondence only in one format to be decided by the Commission;
- require that the correspondent makes an appointment to see a named member of staff before visiting the office or that they contact the Commission in writing only;
- (where a correspondent contacts/corresponds on a wide range of issues) require them to limit the focus of their request;
- return any documents to the correspondent or, where circumstances require it, advise them that further irrelevant documents will be destroyed;
- file the correspondence and acknowledge it only where the correspondent raises significant new information relating to the matter in question; or
- take any other reasonable action that the Commission considers appropriate.

4.3 The Director of Corporate Services or a Senior Legal Officer will decide whether to take an action in accordance with the Policy. Where they do, details of the correspondent, the situation that caused them to classify the correspondent as persistent and/or vexatious, as well as the Commission's action in response, will be recorded in the Persistent and Vexatious Correspondents Register ("the Register").

- 4.4 The correspondent will be told in writing that they have been placed on the Register and what action the Commission is taking in response and why; they will be told about their right to appeal against this decision; and they will be provided with a copy of the Policy.

5.0 Notification to the Board

- 5.1 The Chief Executive will provide the Board of the Commission with a copy of the decision to place a correspondent on the Register.

6.0 Complaints

- 6.1 Complaints submitted by a correspondent who has been registered on the Register will not be recorded or processed where they repeat previous complaints or matters included on previous correspondence, or where they are considered vexatious.

7.0 Appeal

- 7.1 Where a correspondent has been told that they have been placed on the Register, they may, within 28 days of the date of registration notification, appeal against that decision to the Chief Executive, setting out in writing their reasons why they consider the decision to be inappropriate.
- 7.2 The Chief Executive will consider any such appeal. The Chief Executive's decision will be sent to the correspondent. The appeal will be concluded normally within two months from the date on which it was lodged.
- 7.3 Where an appeal is upheld, the correspondent's details will be removed from the Register; where they submit further correspondence, the Commission will consider it. Where the appeal is rejected, the correspondent's name will remain on the Register.

8.0 Review

- 8.1 To ensure the fair and appropriate ongoing application of the Policy, the Chief Executive will undertake an annual review of the Register.
- 8.2 Where, after three years, a correspondent has not contacted the Commission about the situation that caused them to be classified as persistent and/or vexatious, the Chief Executive will remove the correspondent from the Register, and any personal data relating to the correspondent on the Register will be destroyed.
- 8.3 The Chief Executive will report on the outcome of the review to the Board, which will monitor and oversee the application of the Policy.

9.0 Confidentiality

- 9.1 The Register is not a public document and, therefore, all entries on the Register will remain confidential. Any correspondent named on the Register may at any time confirm with the Commission the status of their registration.

| | |
|----------------------|------------------|
| Date approved: | 17 August 2012 |
| Date of last review: | 28 November 2025 |
| Date of next review: | November 2027 |