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Paul.woods@tsol.gsi.gov.uk

Please Quote: RM/223/11

Your Reference:

**3rd October 2011**

Dear Mr Elibank

**YOUR REQUEST FOR INFORMATION**

I write in response to your email request of 2nd September 2011 addressed to HM Attorney General’s Office and the Treasury Solicitor’s Department in which you seek (1) an electronic copy of every template letter we hold on the subject of vexatious litigants; and (2) staff guidance on the subject of vexatious litigants.

Your request has been treated as a request for information under the Freedom of Information Act 2000 (“the Act”) and this response is sent on behalf of both HM Attorney General’s Office and the Treasury Solicitor’s Department.

**Letters**

An applicant for information under the Act is not entitled to copy documents but is entitled to the information itself, provided it does not fall within the exemption provisions.

I enclose by way of attachment to this response, standard paragraphs for each of the Template letters we hold below:

1. Letter to Complainant – confirming investigation
2. Letter to Complainant – confirming investigation outcome not to proceed
3. Letter to Courts – confirming investigation and requesting copy documents (pursuant to Civil Procedure Rules 5.4A)
4. Letter to Employment Tribunal – confirming investigation and requesting copy documents
5. Letter to Employment Appeal Tribunal – confirming investigation and requesting copy documents.

Please note that we do not hold template letters in respect of individuals who have been declared vexatious litigants, nor do we hold template letters for Complainants where the decision to proceed is favourable. Furthermore, HM Attorney General’s Office does not hold any template letters in respect of vexatious litigants.

**Staff Guidance**

Vexatious Litigant work is presently carried out by one full time member of TSol staff. Occasionally other colleagues will assist in the vexatious litigant practice. I enclose herewith the following guidance we hold on the subject although I should inform you that this is not a definitive guide as any member of staff assisting in the vexatious litigant practice will also receive desk training on the subject using actual cases to demonstrate what the issues are and how best the investigation may be carried out:

1. Vexatious Litigants in Private Law Claims
2. Judicial Control of Vexatious Activity
3. General guidelines for Procedure
4. Section 42 Senior Courts Act 1981 (as amended)
5. General wording in basic S.42 Application Notice
6. Section 33 Employment Tribunals Act 1996

You can find further guidance utilised by staff here on the subject of Vexatious Litigant Investigations at the following publicly available websites:

1. The Treasury Solicitor publications website: (<http://www.tsol.gov.uk/publications.htm>);
2. HM Attorney General website: (<http://www.attorneygeneral.gov.uk/AboutUs/Pages/VexatiousLitigants.aspx>); and
3. The Ministry of Justice website: (<http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/vexatious-litigants/index.htm>).

If you are unhappy with the level of service you have received in relation to your request you may ask for an internal review within two months of the receipt of this response. If you wish to do this you should contact me at the above address. It will help ensure that your complaint is properly considered if when requesting an internal review you also set out the reasons why you are unhappy with the service you have received.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number in any future communications.

Yours sincerely

Paul Woods

Data Protection Co-ordinator & Freedom of Information Officer