



Unreasonably Persistent or Vexatious Complaints

POLICY REVIEWED ON: 7th May 2024

1. Introduction

Hadley and Leegomery Parish Council does not tolerate bullying, harassment or intimidation, in any form, of any of their employees or Councillors. This applies to such behaviour from members of the public and Parish Council employees/Councillors alike. A small percentage of people may correspond with, or complain to, Hadley and Leegomery Parish Council in a way that could reasonably be described as repetitive, obsessive, harassing, bullying, intimidating or abusive.

2. Harassment

Under the Protection from Harassment Act 1977 S1(1)

A person must not pursue a course of conduct—

- (a) which amounts to harassment of another, and
- (b) which they know, or reasonably ought to know amounts to harassment of another.

Such actions can be, but are not limited to:

- Physical Conduct and/or Verbal/written Conduct and/or Non-Verbal Conduct.

3. Bullying

The council defines bullying as a pattern of either repetitious, offensive, intimidating, malicious, insulting, humiliating behaviour intended to undermine an individual, group, or body. As a consequence, there is an erosion in confidence, capability, and functionality of those impacted. The intention of these actions includes but are not limited to the desire to see an unreasonable resignation or to cause an extreme workload for Council employees, these actions in actuality have the effect of preventing routine duties from being fulfilled. This will not be tolerated.

Such behaviour may be repetitious, designed to cause distress and takes up a disproportionate amount of Council resources. Behaviour like this impedes Hadley and Leegomery Parish Councils abilities to fulfil its duties to the wider community and results in undue and unacceptable stress for employees and councillors.

4. Defining Vexatious or Unreasonably Persistent Complaints/behaviour

Vexatious/persistent complaints and correspondence can be characterised in **any of the following ways:**

- Behaviour, which is obsessive, aggressive, persistent, harassing, prolific, repetitious.
- Behaviour, which is designed to cause distress, bully, humiliate and intimidate specific individuals and the Corporate Body.
- Frequent correspondence timed to cause the council maximum disruption and workload, and/or
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails or other forms of communication, or making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Behaviour which displays an insistence on pursuing unmeritorious issues, trivial points and/or unrealistic outcomes beyond all reason.
- Displays an insistence upon pursuing complaints or issues in an unreasonable, and/or abusive manner, or changing/denying statements made at an earlier stage, making minor additions or variations and insisting it is a 'new' issue.
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation.
- Behaviour where ex-employees are contacted to try to undermine councillors.
- Behaviour which has the effect of hindering the council's ability to go about its democratic business due to the extreme workload generated.
- Introducing trivial or irrelevant new information at a later stage, raising numerous, detailed yet trivial questions and insisting they are all answered.
- Behaviour where the aim is character assassination.
- Makes repetitive complaints or allegations that ignore the responses that the Council has supplied in previous correspondence.
- Behaviour characterised by a refusal to accept that issues raised are not within the power or scope of the Council to investigate, change or influence.

5. Use of this Policy

In the first instance the Clerk will consult with the Chairman of the Council or bring the matter to Full Council in closed session. With the Chairman's or Full Councils agreement, the complainant will be contacted in writing, along with a copy of this policy, to explain why their behaviour is a concern and asking them to change their behaviour. If the behaviours persist and Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious or unreasonably persistent, they should refer it back to full council under closed session, to consider further.

In exceptional circumstances (for example significant time until the next available meeting), the policy can be triggered by e-mail consultation with a minimum of 5 Councillors including the Chairman or Vice-Chairman.

If the council agrees with the assessment, it should prepare a brief statement of why it considers the complaint or correspondence to be vexatious, including its effect upon the Clerk, Councillors and/or the parish. This should be accompanied by a report for the Council showing the workload effects and resource impact, and, if resources allow information about the related correspondence via email, telephone and letter, including information about whom the correspondence was addressed to, who it was copied to, and a brief description of each piece of correspondence.

There is to be flexibility of when the policy can be implemented, any single instance can trigger the action of the policy (more than one instance of vexatious or inappropriate behaviour can be discussed within the same request for the policy to be actioned against an individual). It is to the judgement of the individual raising the concern, then the clerk and the chairperson's judgement as to whether it should be brought to a private session at full council, or whether it can be triggered by 5 councillors' confirmation via email.

Sanctions can include:

- ***Being allowed to communicate with only nominated members of the council or staff, or***
- ***Receiving no responses to further enquiries and communications on the same matter if no substantive new issue is raised, or***
- ***Receiving no responses to all enquiries and communications made to the council for a period of 6 months (unless legally obliged to do so).***

6. Handling correspondence and complaints deemed to be vexatious

The Clerk/Council will write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious and giving the reason for that decision.

7. Residents of the Parish

If the complainant is a local resident of the parish, the notification letter should state which sanction the council has imposed. They should be advised that the decision will be reviewed in six months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious. There is no route of appeal against the decision that a complaint or correspondence is vexatious. The Councillors will be informed that a constituent has been designated as an unreasonably persistent or vexatious complainant.

Sanctions can include:

- Being permitted to **communicate with only nominated members of the council or staff**
- Being permitted to **only communicate in a specific way, for example, letter rather than e-mail or telephone.**
- **Receiving no responses further enquiries and communications on the same matter if no substantive new issue is raised**
- **Receiving no responses to all enquiries and communications made to the council for 6months (unless legally obliged to do so).**

Review of Sanctions:

At the following full parish council meeting which occurs six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The council should consider whether there has been any improvement in the vexatious behaviour over that time. The Clerk should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

8. Right of Appeal

There should be a right of appeal, the appeal will be discussed at the next full council meeting, in-between the appeal and the date the policy was implemented the policy is still in effect, so all of the sanctions decided on still apply i.e. the individual will only communicate with the council via a nominated individual etc.

As part of the right to appeal the individual can submit a singular document (no more) to be considered as evidence within the private session of full council where the appeal is heard. This has to go through the sanctioned route, i.e. if there is a nominated individual of contact it has to be sent to them. They are not allowed to influence the appeal in any other way. At the appeal evidence of why the vexatious policy was initially applied can also be supplied by the clerk to the councillors.

9. Non-Residents of the Parish

If the complainant(s) does not reside in the parish, they will be advised that all future correspondence will be ignored and left unread. There is no route of appeal against the decision that a complaint or correspondence is vexatious.

10. Policy Review

This document was approved for use at the meeting of the Parish Council on 7th May 2024, it shall be reviewed periodically.

Signed:.....

Chairman of the Council

Dated: