

**Unreasonable Persistent or Vexatious Complaints**

**Policy**

1. **Introduction**

Minety 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, Minety Parish Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating or abusive.

1. **Harassment**

Under the Protection from Harassment Act 1997

 A person must not pursue a course of conduct –

1. Which amounts to harassment of another, and
2. Which he knows or ought to know amounts to harassment of the other

Such action can be:

* Physical Conduct
* Verbal Conduct
* Non-verbal Conduct
1. **Bullying**

The council defines bullying as pattern of offensive, intimidating, malicious, insulting, humiliating behaviour intended to undermine an individual or group, gradually and as a consequence eroding their confidence and capability possibly with the intention to force them to resign and this will not be tolerated.

Such behaviour may also be designed to annoy and/or to create extreme workload for Minety Parish Council which employs part-time officer up to a total of 6 hours per week, and meet only 10 times a year as full council.

Such behaviour might also be designed to cause extreme distress.

Such behaviour might also be repetitious.

Such behaviour from a minority of individuals can take up a disproportionate amount of limited council resources and can affect the Parish Council’s ability to do its work and provide a service to the community and can result in unacceptable stress for the Clerk, other Employees and Councillors.

1. **Defining Vexatious or Unreasonable Persistent Complaints**

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

* Behaviour, which is obsessive, persistent, harassing, prolific, repetitious and/or
* Behaviour which is designed to cause extreme distress, bully, humiliate and intimidate specific individuals and the Corporate Body and/or
* Frequent correspondence timed to cause the council maximum disruption and workload and/or
* Behaviour which displays an insistence on pursing unmeritorious issues, trivial points and/or unrealistic outcomes beyond all reason and/or
* Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner and/or
* Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation, and/or
* Behaviour where ex-employees are contacted to ty to undermine councillors and/or
* Behaviour which has the effect of hindering the council’s ability to go about its democratic business due to the extreme workload generated.
* Behaviour where the aim is character assassination.
* Behaviour characterised by a refusal to accept that issues raised are not within the power of the Council to investigate, change or influence.
1. **Use of this Policy**

In the first instance the Clerk will consult with the Chairman of the Council. With the Chairman’s agreement, the complainant will be contacted in writing (also providing a copy of this policy), to explain why the behaviour is a concern and ask them to change their behaviour.

If the behaviour persists 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 to full council under closed session.

* 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 3 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 village. 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.

Sanctions can include:

* Being allowed to communicate with one nominated member of the council or staff
* Receiving no responses further enquiries and communications on the same matter if no substantive new issues is raised
* Receiving no responses to all enquires and communications made to the council for 6 months if no substantive new issue is raised
1. **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.

1. **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 had been determined to be vexatious. The District and County Councillors will be informed that constituent has been designated as an unreasonably persistent or vexatious complainant.

Sanctions can include:

* Being allowed to communicate with one nominated member 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 issues is raised
* Receiving no responses to all enquires and communications made to the council for 6 months if no substantive new issue is raised

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 vexation’s 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 a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

1. **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.

1. **Persistent communication on the same matter from multiple complainants**

If the persistent communication on one matter is from 4 or more complainants, rather than from one complainant, the Clerk or Councillors identifying the behaviour will draft a standard response to all further communications on that matter. As no sanctions are being imposed, this action can be triggered without approval at a full council meeting.

1. **Aggressive or Abusive Behaviour**

Violence is not restricted to behaviour that may result in physical harm but also includes behaviour or language (oral or written) that may cause any Councillor, Council employees or anyone working on behalf to feel afraid, threatened or abused.

 This may include (but is not limited to) the following:

* Treats
* Physical violence
* Personal verbal abuse
* Personal written, texted or social media abuse
* Derogatory comments
* Rudeness
* Inflammatory statement and unsubstantiated allegations
* Approaching Councillor’s during their normal daily routines
* Visiting Councillor’s at their home addresses without prior invitation

When behaviour is extreme that it threatens the immediate health or safety of the Clerk, councillors or anyone acting on their behalf, then the Parish Council will cease all contact at once and will pursue such action that is commensurate and proportionate to the behaviour through the initiation of criminal prosecution or civil proceedings. The Parish Council may not give prior warning to this action.

Adoption on Tuesday, 9th April 2024 and will be reviewed in April 2025.