

Unreasonably Persistent or Vexatious Complaints POLICY

1. Introduction

Painswick Parish Council does not tolerate bullying, harassment or intimidation, in any form, of any of its employees or Councillors. This applies to such behaviour from members of the public or Employees / Councillors alike. A small percentage of people may correspond with or complain to Painswick Parish Council in a way that could reasonably be described as 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 he / she ought to know amounts to the harassment of the other.

Such actions can be:

- Physical;
- Verbal Conduct;
- Non- Verbal Conduct.

3. Bullying

The Council defines bullying as a 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 workloads for the Council which only employs part-time officers.

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 effect the Parish Council's ability to do its work and provide a service to the community and result in unacceptable STRESS TO THE Clerks and other Employees and Councillors.

4. 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 pursuing 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 try to undermine councillors and / or
- Behaviour which has the effect of hindering the council's ability to go about 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.

5. 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 behaviours persist and the 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 the full council under closed session.

- In exceptional circumstances (for example significant time until the next available meeting), the policy can be triggered by email consultation with a minimum of 6 Councillors including the 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, Council or Parish. This should be accompanied by a report for the Council showing the workload effects and resource and impact, if resource es 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.



PAINSWICK PARISH COUNCIL

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Sanctions can include:

- Being allowed to communicate with one nominated member of the council or staff
- Receiving no responses to 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 6 months if no new substantive issue is raised

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 them the reason for that decision.

7. Residents of the Parish

If the complainant is a 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 District and County Councillors will be informed that a constituent has been designated as an unreasonably persistent or vexatious complainant.

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Review of Sanction:

At the following full 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 a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

8. Non-Parish Residents

If the complainant 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.

9. Persistent communication on the same matter from multiple complaints

If the persistent communication on one matter is from four 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 this matter. As no sanctions are being imposed, this action can be triggered without council approval.

Adopted by the Council on Wednesday 20 September 2023.

X

To be reviewed September 2025