

TRIMLEY ST MARTIN PARISH COUNCIL

VEXATIOUS COMPLAINTS POLICY

This policy is similar to many others which have been adopted by Parish Councils and local authorities across the country to address a matter of increasing concern. It aims to help protect individual council employees and elected representatives (Councillors) from the impact of receiving excessive amounts of persistent and vexatious correspondence in the course of their duties. Such correspondence might come from a single source or multiple sources but the negative effect on the recipients can become a matter of real concern to those individuals personally, as well as consuming disproportionate amounts of Council time in trying to politely respond to such.

For these reasons the policy is one of protection. It is hoped and expected that its use would be very infrequent if used at all. It would in effect be used as a last resort to attempt to quell correspondence at source if the Council considered that the correspondence was having a serious and detrimental impact on either the individual recipient or the workings of the Council. It is not intended to deter anyone engaging in reasonable correspondence with the Council, its employees and Councillors on any council matter”

1. Introduction

Trimley St Martin 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 and Parish Council employees/Councillors alike. A small percentage of people may correspond with or complain to the 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 Section 1(1) a person must not pursue a course of conduct (a) which amounts to harassment of another, and (b) which they know or ought to know amounts to harassment of the other. Such action can be physical conduct, verbal conduct or non-verbal conduct.

3. Bullying

The Council defines bullying as a pattern of offensive, intimidating, malicious, insulting, or 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 an extreme workload for a Parish Council which meets monthly and currently employs only a part time officer. Such behaviour might be designed to cause extreme distress and it 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. It can result in unacceptable stress for the Clerk and for Councillors.

4. Defining persistent or vexatious correspondence/complaints.

Persistent or vexatious correspondence/complaints 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/or 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 former employees/Councillors are contacted to try to undermine the council or 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, and/or
- Behaviour where the aim is character assassination, and/or
- 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 or a Councillor will consult the Chairman of the Council. With the Chairman's agreement, the correspondent/complainant will be contacted in writing (also providing a copy of this policy), to explain why the behaviour is a concern and request them to change their behaviour.

If the behaviours persist and the Clerk or Councillors identify behaviour which they think exhibits these characteristics, and which they believe may be persistent or vexatious, they should refer it to full council under closed session (so as not to disclose personal data publicly).

If the Council agrees with the assessment, it should prepare a brief statement of why it considers the correspondence and/or the complaint(s) to be persistent or vexatious, including its effect upon the Council, 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 to whom the correspondence/complaint(s) were addressed, to whom it was copied, and a brief description of each piece of correspondence/complaint.

The Council may impose sanctions which may include:

- Allowing the correspondent/complainant to communicate with only one councillor/employee;
- Allowing the correspondent/complainant to communicate only in a specific way, for example by letter rather than by email or telephone.

- Not responding to the correspondent/complainant's further enquiries and communications on the same matter if no substantive new issue(s) raised;
- Not responding to all the correspondent/complainant's enquiries and communications to the Council for 6 months if no substantive new issue is raised.

6. Handling correspondence and complaints deemed to be persistent or vexatious.

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

7. Residents of the Parish

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

8. Review of Sanction

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

9. Non-Residents of the Parish

If the correspondent/complainant does not reside in the parish, they will be advised that all future correspondence/complaints will be ignored and left unread. There is no appeal against a decision that correspondence or a complaint is persistent or vexatious.

10. Persistent or vexatious communications on the same matter from multiple correspondents/complainants

If the persistent or vexatious communications on one matter are from four or more correspondents/complainants, rather than from one, the Clerk or Councillors identifying the behaviour will draft a standard response to all further communications on the matter. As no sanctions are being imposed this action can be triggered without the specific approval of Council.

"As a local government body, Trimley St Martin Parish Council holds the right to ensure that all Councillors, employees and volunteers are protected from persistent harassment from members of the public, Trimley St Martin Parish Council recognises that not all members of the community will agree with actions taken or decisions made and the Council welcomes constructive feedback. In the unlikely event this feedback becomes un-constructive and personal, the council has the right to act accordingly.

