

Long Melford Parish Council

UNREASONABLE OR VEXATIOUS BEHAVIOUR POLICY

Adopted by the Council on 4th February 2021



Long Melford 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 and Councillors alike.

A small percentage of people may correspond with, or complain to, Long Melford Parish Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating, offensive, or abusive.

Harassment

Under the Protection from Harassment Act 1997:

A person must not pursue a course of conduct which

- a) amounts to harassment of another, and
- b) they know or ought to know amounts to harassment of the other.

Such actions can be:

- Physical conduct,
- Verbal conduct, and
- Non-verbal conduct.

Bullying

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

Such behaviour may also be designed to annoy and/or create an extreme workload for the Parish Council which then detracts from the purpose of the Council while at the same time incurring extra costs.

Such behaviour might also be designed to cause distress.

Such behaviour might also be repetitive.

Such behaviour can take up a disproportionate amount of the Parish Council's limited resources, and can affect its ability to carry out its work in providing a service to the community, and can result in unacceptable stress for the Council's staff and Councillors.

This procedure is designed to address unreasonable or vexatious behaviour, including that expressed through correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour that requires a response.

1. Defining unreasonable or vexatious behaviour

Unreasonable or vexatious behaviour can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious, and/or
- Behaviour which is designed to cause distress, bully, humiliate or intimidate specific individuals and the Corporate Body (the Council), and/or
- Frequent correspondence timed to cause the Council maximum disruption and workload, and/or
- Pursuing unmeritorious issues, trivial points and/or unrealistic outcomes, and/or
- 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 individuals are contacted to try to undermine Councillors and/or the Council's staff, and or
- Behaviour which has the effect of hindering the Council's ability to undertake its democratic business due to the extreme workload generated, and/or
- Actions or correspondence that seeks to denigrate or humiliate a Councillor or the Council's staff, or call their character or repute into question.

2. Using the procedure

If Councillors or the Council's staff identifies what they believe to be unreasonable or vexatious behaviour, they should refer it to the Full Council under closed session.

If the Council agrees with the assessment, it should prepare a brief statement of why it considers the behaviour to be unreasonable or vexatious, including its effect upon the Councillors, the Council's staff and/or the local community. 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. Correspondence and emails will be redacted if necessary to comply with data protection regulations.

3. Handling correspondence and complaints that have been assessed as vexatious

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

For Local Residents

If the complainant is a resident of the Parish, the letter should state that unless a substantive new issue is raised, any future correspondence will not receive a response. They should also 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 and/or correspondence is vexatious.

If any future correspondence is received then it should be passed to the Council for consideration in closed session. If the Council decides that it raises **no genuinely new and substantive issues**, no response will be made.

If future correspondence does raise significant new issues, it should be responded to.

Review of a Decision

At the first Full Parish Council meeting which occurs six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, the 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 the situation will be reviewed annually thereafter.

For Non-Residents

If a 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 and/or correspondence is vexatious.

4. Further advice and guidance

Defining behaviour, correspondence, or complaints as unreasonable or vexatious is a very serious step, and will only be undertaken as a last resort. For that reason, the decision regarding this matter will be evidence based and, for local residents, will always be subject to an annual Council review process.