

Kilburn Parish Council

Unreasonably Persistent or Vexatious Complaints Policy

Introduction

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

Harassment

Under the Protection from Harassment Act 1997: "A person must not pursue a course of conduct

- "(a) which amounts to harassment of another, and
- "(b) which he knows or ought to know amounts to harassment of the other." [1] 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, 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 a Parish Council Clerk.

Such behaviour might also be designed to cause extreme distress.

Such behaviour might also be repetitive.

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 and Councillors.

This procedure is designed to address vexatious correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

Defining vexatious correspondence or 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 o 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 o Behaviour where ex-employees are contacted to try to undermine councillors and/or o Behaviour which has the effect of hindering the council's ability to go about its democratic business due to the extreme workload generated.
- Behaviour which aim is character assassination.

2. Using the procedure

- If the Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should refer it to full council under closed session.
- 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.

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

For LOCAL RESIDENTS

If the complainant is a **local resident of the parish**, the letter should state that that if no substantive new issue is raised, any future correspondence will not receive a response. 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

- Any future correspondence should be passed to the council for consideration. If it decides that it raises no genuinely new and substantive issues, no response is required.

- If future correspondence does raise significant new issues, it should be responded to.
- If complainant is not satisfied with outcome or is dissatisfied with work of the Parish Council they will be referred to the Monitoring Officer of Amber Valley Borough Council

REVIEW OF DECISION

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

FOR non-RESIDENTS

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.

4. Further advice and guidance

Defining complaints and/or correspondence as vexatious is a very serious step and only undertaken as a last resort. For that reason, the decision to define correspondence or complaints vexatious is evidence-based and that for residents it is reviewed.