



MISERDEN PARISH COUNCIL
UNREASONABLE, PERSISTENT OR VEXATIOUS COMPLAINTS/REQUESTS POLICY
First Adopted 30 November 2021

This policy sets out Miserden Parish Council's stance on vexatious or abusive complaints, demands and/or repeated requests for information including Freedom of Information requests and how they are dealt with.

Vexatious or abusive complaints or requests

Miserden 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 or Councillors alike.

Most complainants or people making requests behave in legitimate ways. A small minority make complaints or request information that are vexatious in that they persist unreasonably with their complaints/requests or make complaints/requests to make life difficult for the Council rather than genuinely to resolve a grievance. In addition, a small number of people may correspond with, or complain to, Miserden Parish Council in a way that could be described as obsessive, harassing, bullying, intimidating, or abusive.

The Council recognises that it is important to distinguish between people who make several complaints/requests because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the Council. It is acknowledged that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case and put them into context rather than the way in which they are expressed.

It is not necessary to meet a person's unreasonable demands or to answer every single point in an unreasonable communiqué.

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) The individual knows or ought to know what 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, humiliating behaviour intended to undermine an individual or group gradually and consequently eroding their confidence and capability 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 a heavy or extreme workload for a Parish Council.

Such behaviour might also be designed to cause extreme distress. Such behaviour might also be repetitious.

Such behaviour from a small 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 (Council) 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/
- 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 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 its democratic business due to the extreme workload generated.
- Behaviour whose aim is character assassination.
- Persistently changing the substance of a complaint/request or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of an answer.
 - Repeatedly being unwilling to accept evidence given as being factual or denying receipt of an adequate response despite correspondence specifically answering the questions or being unwilling to accept that facts can sometimes be difficult to verify when an extended period has elapsed.
- Repeatedly not clearly identifying the precise issues which they wish to raise despite reasonable efforts by the Council to address their concerns, and/or where the concerns are not within the remit of the Council.
- If the complaint/request is essentially about the same matter that has already been considered, with only minor differences, and does not contain any added information
- The most difficult complaints/requests are often those that differ only slightly from the original but are about the same broad area of activity.
- Have harassed or been personally abusive or verbally aggressive towards staff or members dealing with the complaint/request. The Council recognises, however, that complainants may sometimes act out of character at time of stress, anxiety or distress and should make reasonable allowances for this.
- Have harassed or been personally abusive or verbally aggressive towards and Members of the Council (Councillors) or co-opted Members whether this has been face-to-face contact, at public consultations or at public meetings.
- Are known to have recorded meetings or conversations without the prior knowledge or consent of the other parties involved.

- Has impersonated any member of staff or Councillor with the objective of soliciting information for whatever purpose
- Seeking to coerce, intimidate, or threaten staff, Councillors or other individuals involved by the use of language, tone of voice or behaviour including body language.

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 for them to determine what action should be taken.

The Clerk will implement such action and will notify the complainant that their complaint/request is considered vexatious and what action will be taken. The notification will be copied to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

Defining complaints and/or correspondence as vexatious is a serious step and should only be undertaken as a last resort. For that reason, the decision to define correspondence or complaints as vexatious is evidence-based and takes account of the wider context.

Any restrictions must be appropriate and proportionate. There should never be a complete blanket ban for an unspecified period unless the Council is legally required to do so following a Police investigation. The Council should always try to maintain one form of contact normally by way of a conventional letter.

In the most extreme situations, the Council may wish to instruct the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

In deciding which restrictions are appropriate and proportionate, careful consideration should be given to balancing the rights of the individual and the need to ensure other residents, Council employees, Councillors and co-opted Members do not suffer any disadvantage or undue stress and that the resources of the Council are used effectively as possible.

Vexatious complaints/requests may be dealt with in one or more ways.

☑ In a letter, set out a code of commitment and responsibility for the parties involved if the Council is to continue processing complaints and requests. If these terms and conditions are contravened, consideration should then be given to implementing other actions as indicated below.

☑ Decline any further contact with the complainant, either in person, by telephone, fax, email, letter, or any combination of these provided that one form of contact is maintained.

☑ Temporarily suspend all contact in connection with the one subject or issue raised for a defined period. The period for review must be stated. 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 again in a specified period e.g., annually.

There is no route of appeal against the decision that a complaint or correspondence is vexatious.

- Decline any further contact on the one issue.
- In all cases, the complainant(s) should be advised that all future correspondence (as defined by the actions taken) will be ignored and left unread. There is no route of appeal against the decision that a complaint or correspondence is vexatious.

Legal references

Under The Health and Safety at Work Act 1974 the Council has a legal duty to ensure so far as is reasonably practicable, the health, safety and welfare at work of its employees and Members.

Under the Freedom of Information Act 2000 (FOIA) section 14 public authorities do not have to comply with vexatious requests.

The Protection from Harassment Act 1997 makes provision for protecting persons from harassment and similar conduct.