



Cowden Parish Council

Unreasonably Persistent or Vexatious Behaviours

1.0 Introduction.

This document details the process and procedures that Cowden Parish Council applies in the context of Unreasonably Persistent or Vexatious Behaviours.

Cowden 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, Parish Council employees and Parish Councillors alike.

It is possible that a small percentage of people may correspond with, or complain to, Cowden Parish Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating, or abusive.

Such behaviour from a minority of individuals can take up a disproportionate amount of limited Parish 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 criminal, violent or threatening behaviour which needs an urgent response.

1.2 Definitions.

1.2.1 For the context of this document Harassment is defined as.

Protection from Harassment Act 1997:

"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 actions can be but not limited to:

- Physical conduct;
- Verbal conduct;
- Non-verbal conduct.

1.2.2 For the context of this document Bullying is defined as.

A pattern of offensive or intimidating or malicious or 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 extreme workload for a Parish Council which normally employs a part-time Clerk.
- Designed to cause extreme distress
- Be repetitious.

1.2.3 Identifying Vexatious Correspondence, Complainor Behaviour.

The following are examples of vexatious correspondence, complaints or behaviours that will be used as guidelines by the Parish Council.

- 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 Parish 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 Freedom of 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 Parish Council's ability to go about its democratic business due to the extreme workload generated.
- Behaviour with the aim of character assassination.

2.Using the Procedure.

If the Clerk or Councillors identify behaviour that they think exhibits the characteristics as defined herein, and which they believe may be vexatious, they should refer it to the full Parish Council (quorum as a minimum depending on circumstances) under a closed session.

If the Parish 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/Parish. This should be accompanied by a report for the Parish 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.

3.1 Notifying a local resident of the Parish.

If the complainant is a **local resident of the Parish**, the letter from the Parish Council should state 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 Parish 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 in accordance with the Parish Council Standing Orders.

3.1.1 Review of the 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 Parish 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 as non-vexatious. If the Parish Council deems that there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually. The Parish Council's decision is final.

3.2 Notifying a non-resident of the Parish.

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 local residents it is subject to review as detailed herein.

In the event that a new Freedom of Information request is submitted by an individual whose previous correspondence with the Parish Council has been judged to be vexatious, the Freedom of Information request shall be referred to the Chairman of the Parish Council rather than the Clerk and shall be handled as per Freedom of Information legislation.