

Complaints about and to the Parish Council should be processed in accordance with the Council's adopted Complaints Policy and Procedure. During this process, Council staff or indeed councillors themselves may encounter a small number of complainants who take up an unwarranted amount of Council resources or impede the investigation of their complaint.

The aim of this policy is to identify situations where the complainant could be considered vexatious and to detail how the Council will respond to such situations.

1.2. Egerton Parish Council is committed to providing a duty of care for its staff and councillors and it is the aim of this policy to help fulfil this duty and ensure that bullying, harassment, or the attempted application of undue influence will not be tolerated.

1.3. Careful judgement and discretion will be used in applying the criteria to identify potential vexatious complainants and in deciding what action to take in specific cases.

1.4. It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should sometimes be made for this.

1.5. Sometimes the situation between the Council and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent, to behaviour, which is unacceptable, for example, abusive, offensive, or threatening. Such complainants are in a small minority, but sometimes a council can find itself in the position of having to restrict access to council premises or even having to resort to legal action to address such behaviour, for example, in the form of anti-social behaviour orders or injunctions.

1.6. This guidance covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

2. Definition of unreasonable behaviour

Behaviour can be classified as unreasonable when a complainant hinders the ability of the Council, its staff, or its members to act in the best interest of the parish, due to the nature, frequency or time-period of the complainant's contact with the Council, staff or councillors.

2.1. Complainants - including those who make continuing requests under Freedom of Information (FOI) legislation - may be deemed to be vexatious as a result of their unreasonable behaviour where current or previous contact with them shows that they have met one or more of the following criteria:

2.1.1. Actions which are obsessive, persistent, harassing, prolific, repetitious. Prolific is characterised as more than one complaint submitted within a six-month period.

2.1.2 Persisting in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.

2.1.3. The substance of a complaint is changed, or fresh issues are raised persistently, or complainants seek to prolong contact by unreasonably raising further concerns.

2.1.4. Complainants are unwilling to accept documented evidence of facts or deny receipt of an adequate response despite correspondence specifically answering their questions /

concerns. This could also extend to complainants who do not accept that facts can sometimes be difficult to verify after a lengthy period of time has elapsed.

2.1.5. Complainants refuse to specify or do not clearly identify the precise issues or grounds they wish to be investigated despite reasonable efforts to help them to do so by staff.

2.1.6. Complainants focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is trivial can be subjective and careful judgement will be used in applying the criterion.

2.1.7. Complainants have harassed or been abusive or verbally aggressive or threatening or bullying on one or more occasions towards staff dealing with their complaint – directly or indirectly – or their families and/or associates. All incidents of harassment or aggression will be documented, dated and reported to the Chairman.

2.1.8. Complainants making unnecessarily excessive demands on the time and resources of the Council or its staff whilst a complaint is being investigated, by for example frequent and excessive telephoning or sending multiple emails to council staff, writing lengthy complex letters, and demanding immediate responses.

2.1.9. Complainants introducing trivial or irrelevant added information which the complainants expect to be considered and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.

2.1.10. In dealing with a complainant, a disproportionate amount of time or parish resources (in particular financial) have been spent. Both the time spent and any other resources that have been employed will be documented in order that a reasonable judgement can be made.

2.1.11. Complainants refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

2.1.12. Complainants refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.

2.1.13. Complainant insisting on the complaint being dealt with, in ways which are incompatible with the adopted complaints procedure or with good practice.

2.1.14. Complainant making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them disciplined or replaced.

2.1.15. Complainants adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament/the County Council/the Borough Council/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.

2.1.16. Combinations of some or all of these.

2.2. Complaints may be deemed to be vexatious in any situation where physical violence has been used or threatened towards staff or their families/associates at any time. This will cause personal contact with the complainant to be discontinued. All such incidents will be documented, reported to the Council, and, where appropriate, to the police.

3. Dealing with unreasonable complainants

3.1. Once a complaint has been received by the Council, which the Clerk considers could be unreasonable behaviour or unreasonably persistent, it will be passed on to the Chairman or nominated Councillor along with all supporting evidence. The complainant will be informed that any further contact should be through the Chairman or nominated Councillor.

3.2. The Chairman or nominated Councillor, will have the responsibility for determining whether complainants are vexatious, in accordance with the above criteria, and will present this rationale and any supporting evidence to the Council.

3.3. The Council will consider and, if minded to so do, agree by a majority vote of a quorate Council meeting that the complainant is vexatious because of unreasonable behaviour or unreasonably persistent behaviour and decide what action to take.

3.4. The Council will notify complainants promptly in writing the reasons why they have been classified as vexatious under this policy because of their unreasonable behaviour or unreasonably persistent behaviour and the action to be taken.

3.5. This notification will be copied promptly for the information of others already involved in the complaint. A record will be kept, for future reference, of the reasons why a complainant has been classified as vexatious and the action taken.

3.6. The Council may decide to deal with vexatious complainants in one or more of the following ways:

3.6.1. Once a complainant is found to meet any one of the criteria in section 2 (above), it may be appropriate to inform them in writing that they are at risk of being classified as vexatious. A copy of this policy should be sent to them, and they should be advised to take account of the criteria in any future dealings with the Council or its staff.

3.6.2. Try to resolve matters by reaching an agreement with the complainant setting out in writing a code of behaviour between the parties involved if the Council is to continue dealing with the complainant. If this agreement were breached consideration would then be given to implementing other actions as outlined below.

3.6.3. Decline further contact with the complainant either in person, by telephone, fax, letter or electronically – or any combination of these. Alternatively, further contact could be restricted to liaison through a third party nominated by the Council.

3.6.4. Notify complainants in writing that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Complainants should be notified that correspondence is at an end and that further communications will be acknowledged but not answered.

3.6.5. Apply a “vexatious status” to the complainant and put this in writing from the Council, along with a copy of this policy. The complainant will be added to a vexatious complainant register.

3.6.6. Inform complainants that if appropriate, the Council reserves the right to refer the behaviour of unreasonable or vexatious complainants to the police.

3.6.7. In exceptional circumstances, consideration can be given to the possibility of obtaining a High Court injunction to prevent the complainant harassing, threatening or distressing named councillors or individual council employees.

4. Harassment

4.1 Harassment and stalking are classed as offences under the Protection from Harassment Act 1997 and (where the offending is racially or religiously aggravated) the Crime and Disorder Act 1998. Both offences relate to behaviour that is repeated and unwanted. Harassment is behaviour intended to cause a person alarm or distress. The behaviour must occur on more than one occasion, but it does not have to be the same kind of behaviour on each occasion.

Common harassment incidents include:

- Text messages, voicemails, letters, emails or unreasonable use of social media
- Comments or threats
- Standing outside someone's house or driving past it

If any Councillors and/or a member of the Council's staff appear to be subjected to such behaviour, the Parish Council will contact the police.

The content, substance and operation of this procedure will be reviewed on an annual basis by the Council.

This policy is based on the laws of England & Wales.

2nd April 2024

Review Date April 2025