



UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS/COMMUNICATIONS POLICY

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1. Introduction

- 1.1 East Grinstead Town 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 Town Council employees/Councillors alike. A small percentage of people may correspond with, or complain to, East Grinstead Town Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating or abusive.
- 1.2 The word vexatious means 'causing or tending to cause annoyance, frustration, or worry'.

2. Harassment

- 2.1 Under the Protection from Harassment Act 1977 S1(1) 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.
- 2.2 Such action can be:
- Physical Conduct.
 - Verbal Conduct (direct or indirect).
 - Non-Verbal Conduct (direct or indirect).

3. Bullying

- 3.1 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.
- 3.2 Such behaviour may also be designed to annoy and/or to create extreme workload for a small town council.
- 3.3 Such behaviour might also be designed to cause extreme distress.
- 3.4 Such behaviour might also be repetitious.
- 3.5 Such behaviour from a minority of individuals can take up a disproportionate amount of limited council resources and can affect the Town Council's ability to do its work and provide a service to the community and can result in unacceptable stress for the Council's Employees and Councillors.

4. Defining Vexatious or Unreasonably Persistent Communication

4.1 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
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under access to information legislation, and/or
- Behaviour where ex-members 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 where the aim is character assassination no matter if this is done directly or indirectly such as the use of social media or leaflet / flyer distribution.
- Behaviour characterised by a refusal to accept that issues raised are not within the power of the Council to investigate, change or influence.

5. Use of this Policy

5.1 In the first instance the Town Clerk will consult with the Leader of the Council. With agreement of the afore referenced, the complainant will be contacted in writing (also providing a copy of this policy), to explain why the behaviour is a concern and ask them to change their behaviour.

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

- In exceptional circumstances (for example significant time until the next available meeting), the policy can be triggered by e-mail consultation with a minimum of five Councillors including the Leader and Deputy Leader of the Council.

5.3 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 Town Clerk, Councillors, staff and/or the Town. 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.

5.4 Sanctions can include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all council officers and insisting they only correspond by letter
- Banning the complainant from accessing any Council premises except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the council will not reply to or acknowledge any further contact from them on the same matter if no substantive new issue is raised.
- Informing the complainant that any further correspondence and complaints deemed to be vexatious, the Town 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.

5.5 Setting of any sanctions will be tailored to deal with the individual circumstances of the complainant. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give the complainant warning of that action.

6. Handing correspondence and complaints deemed to be vexatious

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

7. Residents of the Town

7.1 If the complainant is a local resident of East Grinstead, the notification letter should state which sanction the council has imposed. 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 is vexatious. The District and County Councillors will be informed that a constituent has been designated as an unreasonably persistent or vexatious complainant.

7.2 Review of Sanction:

At the following full Council meeting 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 Town 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.

8. Non-Residents of the Parish

8.1 If the complainant(s) does not reside within the Town boundaries, 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.

9. Persistent communication on the same matter from multiple complainants.

9.1 If the persistent communication on one matter is from three or more complainants, rather than from one complainant, the Town Clerk identifying the behaviour will draft a standard response to all further communications on that matter. As no sanctions are being imposed, this action can be triggered without approval at a full council meeting.

10. Review

10.1 This document was approved for use at the meeting of the Town Council on [] 2024 and it shall be reviewed periodically.

Signed:

Position:

Dated:

Adoption date:

Reviewed: