

## UNREASONABLE OR VEXATIOUS BEHAVIOUR POLICY

*Adopted by the Council on 17<sup>th</sup> September 2025*

### 1. Introduction

Acton Parish Council does not tolerate bullying, harassment or intimidation in any form towards any of its employees or Councillors. This applies to such behaviour from members of the public, Parish Council employees, and Councillors.

Most complainants pursue their complaints in a reasonable and acceptable manner. A very small minority, however, make unreasonable complaints which impose a significant burden on the resources of the Council the complaint:

- clearly does not have any serious purpose or value
- is designed to cause disruption or annoyance
- has the effect of harassing the Council
- can otherwise be fairly characterised as repetitious, obsessive or manifestly unreasonable.

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

This policy identifies situations where a complainant, either individually or as part of a group of complainants, might be 'habitual' or 'vexatious' and how the Council will respond in these situations.

This policy reflects the Guidance note on 'unreasonably persistent and unreasonable complainant behaviour' issued by the Local Government & Social Care Ombudsman ('the Ombudsman').

### 2. 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) they know or ought to know amounts to harassment of the other.

Such actions can be:

- Physical conduct
- Verbal conduct
- Non-verbal conduct

### 3. Bullying

The Council defines bullying as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour intended to undermine an individual or group, and, as a consequence, erode their confidence and capability, possibly with the intention to force them to resign. This will not be tolerated.

Such behaviour may also be designed to annoy and/or create an extreme workload for the Parish Council, which then detracts from the purpose of the Council, while, at the same time, incurring extra costs.

Such behaviour might also be designed to cause distress.

Such behaviour might also be repetitive.

Such behaviour can take up a disproportionate amount of the Parish Council's limited resources and can affect its ability to carry out its work in providing a service to the community. It can also result in unacceptable stress for the Council's staff and Councillors.

This procedure is designed to address unreasonable or vexatious behaviour, including that expressed through correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour that requires a response.

#### **4. Defining Unreasonable or Vexatious Behaviour**

Unreasonable or vexatious behaviour can be characterised in the following list. Please note that this is not an exhaustive list:

1. Behaviour which is obsessive, persistent, harassing, prolific, repetitious.
2. Behaviour which is designed to cause distress, bully, humiliate or intimidate specific individuals and the Council.
3. Frequent correspondence timed to cause the Council maximum disruption and workload, or making excessive demands on the time and resources of the Council with lengthy phone calls or emails to Councillors or the Clerk every few days and expecting immediate responses.
4. Pursuing unmeritorious issues, trivial points and/or unrealistic outcomes.
5. Pursuing complaints or issues in an unreasonable and abusive manner.
6. Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation.
7. Behaviour where individuals are contacted to try to undermine Councillors and/or the Council's staff.
8. Behaviour which has the effect of hindering the Council's ability to undertake its democratic business due to the extreme workload generated.
9. Actions or correspondence that seek to denigrate or humiliate a Councillor or the Council's staff or call their character or repute into question.
10. Refusing to co-operate with the complaints investigation process.
11. Refusing to accept that certain issues are not within the complaints procedure.
12. Insisting that the complaint is dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

13. Changing the basis of the complaint as the investigation proceeds.
14. Denying or changing statements made at an earlier stage.
15. Raising many detailed but unimportant questions and insisting they are all answered.
16. Submitting falsified documents from themselves or others.
17. Submitting repeat complaints with minor additions/variations and insisting these are treated as new complaints.
18. Electronically recording meetings and conversations, where the complainant has no right to do so, and without the prior knowledge or consent of the other persons involved.
19. Refusing to accept the decision; repeatedly arguing points with no new evidence.
20. Using derogatory language about the Clerk, Councillors, current or former, other persons or contractors, those providing a service, or repeatedly adopting a belligerent or unduly critical tone about individuals in discussion or correspondence.
21. Refusing or failing to cooperate with reasonable arrangements made (or suggested) to manage complaints correspondence.
22. Seeking to encourage Councillors, the Clerk or those contractors to comment on each other's statements or decisions, or to criticise each other.
23. Using social media to make unfounded allegations against the Council, its Clerk or Councillors.
24. Seeking unrealistic outcomes.

## **5. Using the Procedure**

If Councillors or the Council's staff identify what they believe to be unreasonable or vexatious behaviour, they should refer it to the Full Council under closed session.

If the Council agrees with the assessment, it should prepare a brief statement of why it considers the behaviour to be unreasonable or vexatious, including its effect upon the Councillors, the Council's staff and/or the local community. 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 who the correspondence was addressed to, who it was copied to, and a brief description of each piece of correspondence. Correspondence and emails will be redacted if necessary to comply with data protection regulations.

## **6. Handling Correspondence and Complaints that have been Assessed as Vexatious**

The Clerk/Council will write to the correspondent, advising them that their correspondence and/or complaint has been determined as vexatious and giving the reason for that decision.

## **7. For Local Residents**

If the complainant is a resident of the Parish, the letter should state that unless a substantive new issue is raised, any future correspondence will not receive a response. They will also 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 and/or correspondence is vexatious.

If any future correspondence is received, it will be passed to the Council for consideration in closed session. If the Council decides that it raises **no genuinely new and substantive issues**, no response will be made.

If future correspondence does raise significant new issues, it will be responded to.

#### **8. Review of a Decision**

At the first Full Parish Council meeting which occurs six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, the decision will be reviewed. The Council will consider whether there has been **any improvement** in the vexatious behaviour over that time. The Clerk will 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 the situation will be reviewed annually thereafter.

#### **9. For Non-Residents**

If a complainant 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 and/or correspondence is vexatious.

#### **10. Further Advice and Guidance**

Defining behaviour, correspondence, or complaints as unreasonable or vexatious is a very serious step and will only be undertaken as a last resort. For that reason, the decision regarding this matter will be evidence based and, for local residents, will always be subject to an annual Council review process.