



HOOE PARISH COUNCIL VEXATIOUS POLICY



August 2023

1. Introduction

- 1.1 Hooe Parish Council does not tolerate bullying, harassment or intimidation, in any form. This applies to such behaviour from members of the public, the Clerk or Councillors alike. A small percentage of people may choose to correspond with or complain to Hooe Parish Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating or abusive.
- 1.2 This policy also identifies situations where a person making a request, either individually or as part of a group, might be considered to be habitual or vexatious. The term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought purely to cause annoyance to the defendant'.
- 1.3 This policy intends to assist in identifying and managing person(s) who seek to be disruptive to the Parish Council through pursuing an unreasonable course of conduct.
- 1.4 The aim of this policy is to contribute to the overall aim of dealing with all requests in ways which are demonstrably consistent, fair, reasonable and transparent.

2. Harassment

- 2.1 Under the Protection from Harassment Act 1977 section 1 (1) a person must not pursue a course of conduct which amounts to harassment of another, and which he / she knows or ought to know amounts to harassment of the other. Such actions can be physical, verbal or non-verbal conduct.

3. Bullying

- 3.1 The Parish Council defines bullying as a pattern of offensive, intimidating, malicious, insulting, humiliating behaviour to undermine an individual or group, gradually and as a consequence eroding confidence and capability, possibly with the intention to force resignation and this will not be tolerated.
- 3.2 Such behaviour might also be designed to cause extreme distress and might also be repetitious. 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, provide a service to the community and can result in unacceptable stress for the Clerk and Councillors.

4. Defining Vexatious or Unreasonably Persistent Complaints

- 4.1 Vexatious or persistent complaints and correspondence can be characterised in the following ways:
 - a. Behaviour which is obsessive, persistent, harassing, prolific, repetitious
 - b. Behaviour which is designed to cause distress, bully, humiliate and intimidate specific individuals and the Corporate Body

- c. Frequent correspondence timed to cause the Parish Council maximum disruption and workload
- d. Behaviour which displays an insistence on pursuing unmeritorious issues, trivial points and / or unrealistic outcomes beyond all reason
- e. Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner
- f. Repeated and / or frequent and / or simultaneous requests for information, whether or not those requests are made under the Freedom of Information legislation
- g. Behaviour where ex-employees are contacted to try to undermine Councillors
- h. Behaviour which has the effect of hindering the Parish Council's ability to go about its democratic business due to the extreme workload generated.
- i. Behaviour where the aim is character assassination.
- j. Behaviour characterised by a refusal to accept the issue raised is not within the power of the Parish Council to investigate, change or influence.

5. Use of this Policy

- 5.1 The Parish Council is to set up a **Complaints Committee** to deal with general complaints in accordance with the Parish Council's **Complaints Policy** and **Vexatious Policy** that includes any form of harassment, intimidation and bullying. Should the Clerk or any Councillor identify behaviour they think exhibits unacceptable characteristics set out in the Vexatious Policy, and which they believe may be vexatious or unreasonably persistent, a Complaints Committee meeting should be called.
- 5.2 Where the Parish Council considers a serious breach of this policy has occurred, the Parish Council may seek to obtain advice from other organisations including the East Sussex Association of Local Councils, Police or Solicitors and should the advice be accepted by the Parish Council, the course of action agreed by the Parish Council may supersede the terms set out in this policy.
- 5.3 If the Parish Council agrees with the assessment and considers it appropriate to prepare a statement why it considers a complaint or correspondence to be vexatious etc., including the effect upon the Clerk (if appropriate), Councillors and / or the village. The statement will be posted on the Parish Council's notice board, website and sent to those residents on the Parish Council's emailing list.
- 5.4 **Sanctions may include:**
 - a. To not accept correspondence or respond to correspondence or by any form of communication on the same matter if no substantive new issue is raised.

- b. Where a serious breach of the policy has occurred, the Parish Council shall not accept any form of communication with the complainer / person(s), be it verbal, in writing or by email for a period as determined by the Complaints Committee.
 - c. Freedom of Information requests will be responded to by the Parish Council to comply with the law, as long as the request is not considered vexatious, and such responses shall be sent in writing by recorded delivery post. For the complainers / person(s) breaching the policy, the email address will be blocked on the Parish Council's IT system for the period agreed by the Parish Council.
 - d. The Parish Council may consider any other action as appropriate, dependent on the circumstances arising from the specific breach of this policy.
 - e. The Parish Council, the Clerk and or the Councillor's affected may consider contacting the police at any point due to a breach of this policy.
- 5.5 The Parish Council shall review the sanction at the end of the period at a Parish Council meeting to consider whether improvement is such for the sanction to be removed or extended. Should the sanction be removed, all communication with this person shall continue to be monitored carefully.
- 5.6 The Clerk or Council's representative shall write to the correspondent or person(s) breaching this policy with a copy of the Vexatious Policy, that it has been determined that the correspondence or actions taken by the correspondent or person(s) are considered to be vexatious and giving the reason for that decision unless legal advice is given to the contrary. There will be no route of an appeal against the decision made by the Parish Council.
- 5.7 It will be at the Chairman of the Parish Council or the Chairman of each Committee's discretion to decide whether it is appropriate for the person(s) sanctioned to speak at the public section of the Parish Council meetings and the Annual Parish Meeting.