



## **Procedure for Vexatious Public Behaviour**

**To be implemented by Cowfold Parish Council should correspondence or complaints from members of the public become vexatious**

### **Purpose of the Procedure**

A small percentage of people will correspond with or complain to the Parish Council in a way that could reasonably be described as obsessive, harassing or repetitious. This behaviour from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for the Clerk and Councillors. This procedure is designed to address vexatious behaviour assisting the Parish Council to manage inappropriately demanding or unreasonable behaviour from members of the public.

This procedure should not prevent members of the public from accessing services to which they have a statutory entitlement and is designed to ensure that the rights of service users are protected whilst ensuring that Parish Council resources are used fairly and effectively and that the Clerk and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious behaviour.

This procedure is not designed to address possible violent or threatening behaviour which would need an urgent response.

### **Defining Vexatious Behaviour by Members of the Public**

Vexatious behaviour can be described as follows:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious
- Insistence on pursuing perceived dishonourable issues and/or the expectation of unrealistic outcomes beyond all reason
- Insistence upon pursuing perceived dishonourable complaints or issues in an unreasonable manner
- A 'scattergun' approach of copies of letter being sent to several recipients on a regular basis, to include the media, the local MP, the Chairman of the Council, other Councillors and external regulators
- Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

### **Implementation of the Procedure**

A Sub-Committee shall be formed consisting of the Chair and two Members of the Parish Council. If the Clerk or Councillors identify behaviour that they think exhibits these

characteristics and which they believe may be vexatious, they should in the first instance discuss their concerns with the Sub-Committee. If the Sub-Committee agrees with the assessment, they should prepare a brief statement outlining the reasons why the Sub-Committee considers the complaint or correspondence to be vexatious, including the effect upon the Clerk, Councillors and/or the community. The Statement should be accompanied by a list of correspondence received over the previous six months, via email, telephone and letter, including information regarding who the correspondence was addressed to, how many people/organisations it was copied to on each occasion and a short description of each piece of correspondence or telephone conversation.

### **Handling of Vexatious Correspondence and Complaints**

Initially, the Chair 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. The letter should state that any future correspondence will be passed directly to the Sub-Committee to consider whether or not it raises any substantive new issues. The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response. They should 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 or correspondence has been deemed vexatious.

Any future correspondence should be passed to the Sub-Committee for consideration. If it is decided that it raises no genuinely new and substantive issues, no response is required. If it is considered to be appropriate, the first two or three pieces of correspondence may be acknowledged, referring the correspondent to the letter advising them of the decision that their correspondence had been determined to be vexatious. After that, however, no response or acknowledgement should be sent.

If future correspondence does raise significant new issues, it should be acknowledged and include notification that it will be considered by the Sub-Committee.

### **Reviewing the Decision**

Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The Sub-Committee should meet to consider whether there has been any improvement in the vexatious behaviour over that time. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed every six months.

### **Further Guidance**

Defining complaints and/or correspondence as vexatious is a very serious matter and the above procedure should only be implemented as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence based and reviewed regularly.