



Leigh-on-Sea Town Council

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VEXATIOUS COMPLAINTS PROCEDURE

A policy for dealing with abusive, persistent or vexatious complaints and complainants

Leigh-on-Sea 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, Leigh-on-Sea Town Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating and/or abusive.

Harassment

Under the Protection from Harassment Act 1997:

"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."

Such actions can be:

- Physical conduct;
- Verbal conduct;
- Non-verbal conduct

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be vexatious. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy is not designed to address violent or threatening behaviour, which needs an urgent response.

1. Defining vexatious correspondence or complaints

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 the access to information legislation, and/or
- Behaviour where ex-employees 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 which aim is character assassination.

2. Using the Procedure

Leigh-on-Sea Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

In the first instance the Town Clerk will consult with the Chairman and Vice-Chairman of the Council. The Town Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Town Council in future will be restricted. The Town Clerk will make this decision in consultation with the Chairman and Vice-Chairman of the Council and inform the complainant in writing of what procedures have been put in place and for what period.

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 and/or Leigh-on-Sea as a whole. 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.

The 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.

For Any Complainant

If the complainant is a local resident of the Town Council, the letter should state that if no substantive new issue is raised, any future correspondence will not receive a response. 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 has been determined to be vexatious. There is no route of appeal against the decision that a complaint or correspondence is vexatious

- Any future correspondence should be passed to the council for consideration. If it decides that it raises no genuinely new and substantive issues, no response is required.
- If future correspondence does raise significant new issues, it should be responded to.

POLICY ADOPTED: NOVEMBER 2020

POLICY REVIEW: NOVEMBER 2023