



Tenterden Town Council

Policy for Managing Unacceptable, Vexatious and Persistent Behaviours

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1. Introduction

Occasionally, councillors, council employees and council volunteers are subject to communications which can be considered as unacceptable, vexatious or unreasonably persistent. The town council does not expect staff, councillors or volunteers to be subject to behaviours of this kind. This Policy sets out how the council will decide where communications will be treated as such, and what the town council will do in those circumstances.

2. Definitions of unacceptable behaviour

Unacceptable behaviour includes that which is abusive, offensive or threatening and may include:

- using abusive, derogatory, dismissive or foul language in any form of communication;
- sending multiple emails;
- leaving multiple voicemails;
- sending multiple communications.

3. Definitions of vexatious or unreasonably persistent behaviour

Vexatious or unreasonably persistent behaviour can be described as that which causes distress, detriment or harassment to the subject; or that which is unduly repetitive, burdensome, or unwarranted.

Examples of this type of behaviour include but are not limited to the following.

- Refusal to accept that issues are not within the power of the council to investigate, change or influence (for example something that is the responsibility of another organisation).
- Persistently approaching the town council through different routes about the same issue.
- Persisting in seeking an outcome which the town council have explained is unrealistic for legal or policy (or other valid) reasons.
- Persisting in seeking answers and explanations to questions, where the answers have already been given.
- Make what appear to be groundless complaints about staff members.
- Seeking to have staff members, volunteers or councillors dismissed or replaced.
- Making an unreasonable number of contacts with the town council, by any means in relation to a specific matter.
- Making persistent and unreasonable demands or expectations of staff, councillors or volunteers (e.g. by insisting on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Harassing or verbally abusing or otherwise seeking to intimidate employees, councillors or volunteers.

4. Managing unacceptable, vexatious and unreasonably persistent behaviours

In instances of these types of behaviour, the Town Clerk¹ will consult with the Town Mayor and Chair of the Finance and General Purposes Committee (F&GP)². The Town Clerk will provide sufficient information to allow them to determine whether the complaint fulfils the definition as shown above.

If it is agreed that having consulted with the Mayor and Chair F&GP that an individual's behaviour fulfils any of the definitions in Paragraph 2 or 3 above, the Town Clerk et al will issue a warning to them about their behaviour, explaining why this behaviour is causing concern and ask them to change this behaviour. The warning will explain the actions that the Council may take if the behaviour does not change.

If the disruptive behaviour continues, the Town Clerk et al will issue a reminder to the individual, advising them that the way in which they will be allowed to contact us in future will be restricted.

If following this reminder, the behaviour continues the Town Clerk will again inform the Mayor and Chair of the Finance and General Purposes committee. They will then determine what restrictions are to be imposed on the complainant and for how long. This will be communicated to the complainant in writing/by e-mail.

¹ Or their Deputy (this is applicable throughout this policy).

² In the absence of the Town Mayor/Chair of F&GP, their deputies may step in to fulfil this role (this is applicable throughout this policy).

Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on an annual basis.

5. Restrictions on communication

Restrictions will be tailored to deal with the individual circumstances and may include the following.

- 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 councillors or council employees and insisting they only correspond by posted letter.
- Banning the complainant from accessing any Council building except by appointment.
- Requiring correspondence 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 and at specified:
 - days;
 - times;
 - duration.
- Letting the complainant know that the town council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence, this will usually be the Town Clerk. In the case that the Town Clerk is the target of the unwanted behaviours, this role may be taken by the Mayor or Chair of F&GP).
- Warning that any breach of restrictions will be referred to the police as harassment and/or civil action taken³.

When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing to explain the following.

- Why the Council have taken the decision.
- What action the Council are taking.
- The duration of that action.
- The review process of this policy.
- The Town Clerk will enclose a copy of this policy in the letter to the complainant.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of councillors, staff or volunteers, the Town Clerk, Mayor and Chair of F&GP will consider other options, for example reporting the matter to the Police or taking legal action. In this case, the Town Clerk, Mayor and Chair of F&GP will have delegated authority to act as is appropriate to the situation, and will report the matter to the next available town council meeting. In such cases, the town council may not give the complainant prior warning of actions taken.

The fact that an individual is judged to have behaved in an unreasonable, persistent or vexatious manner, and any restrictions imposed on our contact with them, will be recorded and notified to those who need to know within the Council and where appropriate the police will be informed.

6. Future correspondence

New correspondence from individuals who have come under this policy will be treated on their merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary. The town council does not support a "blanket policy" of ignoring genuine contact.

³ [Protection from Harassment Act 1997 \(legislation.gov.uk\)](https://legislation.gov.uk)

7. Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk after three months and at the end of every subsequent three months within the period during which the Policy is to apply. If the Town Clerk wishes to be supported in this review, then consultation as appropriate may take place. The complainant will be informed of the result of this review if the decision to apply this Policy to them has been changed or extended.

8. Record Keeping

Adequate records will be retained by the Town Clerk of the details of the case and the action that has been taken. The Town Clerk will retain a record of the following.

- The name and address of each person whose behaviour has been treated as unacceptable, abusive, vexatious or persistent.
- When the restriction came into force and ends.
- What the restrictions are.
- When the individual, staff, councillors (and volunteers if applicable) were advised.