

HOCKHAM PARISH COUNCIL

PERSISTENT COMPLAINT AND HARASSMENT POLICY

1. Aims of the policy

- To uphold the standards of courtesy and reasonableness that should characterise all communication between the parish council and persons who wish to express a concern or pursue a complaint.
- To deal fairly, honestly and properly with persistent complainants and those who harass parish councillors.

2. Human Rights

2.1 In implementing this policy the parish council will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. Who is a persistent complainant?

3.1 For the purpose of this policy, a persistent complainant is a member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the parish council and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious and/or
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing meritorious complaints in an unreasonable manner

3.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (d) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of the parish council and/or
- b) cause ongoing distress to parish council staff and/or
- c) have a significant adverse effect on the whole/parts of the parish council and/or
- d) are pursued aggressively

3.3 Actions or behaviour that fall into any of the categories described in 3.1 and 3.2 above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this Policy.

4. Members of the public expectations of the parish council.

4.1 Members of the public who raise either informal or formal issues or complaints with the parish council can expect the parish council to:

a) regularly communicate to councillors in writing (i) how and when problems can be raised with the parish council, (ii) the existence of the parish council's complaints procedure and (iii) the existence of the Persistent Complaints/Harassment Policy

b) respond within a reasonable time

c) be available for consultation within reasonable time limits bearing in mind the the nature of the complaint

d) respond with courtesy and respect

e) attempt to resolve problems using reasonable means in line with the parish council's complaints procedure, other policies and practice and in line with guidance and advice from Breckland Council

f) keep complainants informed of progress towards a resolution of the issues raised

5. The parish council's expectations of members of the public

5.1 The parish council can expect members of the public who wish to raise problems with the parish council to:

a) treat all parish council staff and councillors with courtesy and respect

b) respect the needs and well-being of parish councillors within the parish council

c) avoid any use, or threatened use, of violence to people or property

d) avoid any aggression or verbal abuse

e) recognise the time constraints under which councillors and members of staff in parish councils work and allow the parish council a reasonable time to respond

f) recognise that resolving a specific problem can sometimes take some time

g) (in the case of a complaint) follow the parish council's complaints procedure.

6.1 The parish council will take the following consecutive steps as necessary if the complainant's behaviour is not modified:

- a) inform the complainant orally or in writing that his/her behaviour is considered to have become unreasonable/unacceptable and may be considered to fall under the terms of this policy
- b) inform the complainant in writing that his/her behaviour is now considered by the parish council to have become unreasonable/unacceptable and warn of further sanctions under the Policy
- c) inform the complainant in writing that his/her behaviour is now considered by the parish councils to fall under the terms of this policy and that the complaint will not be investigated further until it is pursued in a manner the parish council considers to be reasonable.

As appropriate this may additionally result in the parish council:

- a) informing the complainant that all meetings with a parish councillor will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- b) consider taking advice from Breckland Council on pursuing a case under Anti-Harassment legislation

6.2 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Harassment/Persistent Complaints Policy. In these circumstances advice may be sought from Breckland Council

6.3 If a complainant's harassing/persistent complaining behaviour is modified and is then resumed at a later date within a reasonable period of time, the parish council may resume the process identified above as appropriate. In these circumstances advice may be sought from Breckland Council

6.4 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the Parish Council's Complaints Procedure, the parish council will use its discretion and may resume investigation of the complaint.

7. Review

7.1 The parish council will review as appropriate.

Approved 23/07/21

Signed 

