

Unreasonable and Vexatious Behaviour Policy

1. Purpose

Berryfields Parish Council is committed to providing a fair, accessible and responsive service; and to dealing with complaints, enquiries and concerns appropriately.

The Council recognises that people may have legitimate reasons to feel dissatisfied, frustrated or upset when raising an issue or complaint. Making a complaint, pursuing a complaint, questioning a decision or contacting the Council frequently does not, in itself, constitute unreasonable behaviour. However, on rare occasions, the nature, frequency or manner of a person's contact with the Council may become unreasonable or disproportionate and may affect the Council's ability to carry out its work, deal with the individual's concerns effectively, respond to other residents, or protect the wellbeing of councillors, staff and others.

This policy sets out how the Council will manage these situations fairly, consistently and proportionately.

2. Scope

This policy applies to anyone who contacts or interacts with Berryfields Parish Council, including residents, complainants, service users and other members of the public.

It applies to communication and behaviour by any method, including:

- telephone calls
- emails and letters
- face-to-face contact
- attendance at Council premises
- contact at Council meetings, events or activities
- online or social media communications directed at the Council, its staff or councillors in connection with Council business.

This policy is concerned with the person's behaviour and the effect of that behaviour, rather than simply the number of times they have contacted the Council.

3. What may be considered unreasonable behaviour?

There is no single definition of unreasonable behaviour, and each case will be considered individually.

Examples may include:

- repeatedly raising the same issue after it has been considered and a final response has been provided, without presenting any significant new information
- making excessive or disproportionately frequent contact, including numerous emails or telephone calls within a short period
- sending lengthy, repetitive or overlapping correspondence which places an unreasonable demand on Council resources
- contacting numerous councillors or members of staff about the same matter in an attempt to obtain a different response
- continually changing the basis of a complaint or adding unrelated matters while the complaint is being considered
- refusing to accept a decision where the Council's complaints procedure has been completed, while continuing to demand that the same matter is reconsidered
- demanding responses within unreasonable timescales or repeatedly seeking an immediate response

- making unreasonable demands about which staff or councillors should deal with a matter, how it should be handled or what outcome should be reached
- refusing to cooperate with reasonable requests for information needed to investigate or respond to a complaint
- making persistent complaints or allegations without reasonable grounds or supporting information
- recording meetings or conversations without appropriate notice where this interferes with the Council's ability to conduct its business
- behaviour or correspondence that is abusive, insulting, intimidating, discriminatory or personally offensive
- making threats towards staff, councillors, contractors or other people
- knowingly making false or malicious allegations
- behaviour which, individually or cumulatively, causes a disproportionate level of disruption, distress or demand on Council resources.

The Council will distinguish between behaviour which is persistent because an issue has not been properly addressed and behaviour which has become unreasonable.

4. Before this policy is applied

The Council will not apply this policy simply because a person is persistent, challenging, critical of the Council or disagrees with a Council decision.

Before deciding that behaviour should be managed under this policy, the Council will normally consider whether:

- the person's complaint, enquiry or concern has been properly considered
- the Council has followed its relevant procedures
- correspondence has been clear and has addressed the substantive issues raised
- any outstanding matters remain which reasonably require a response
- the person has been given a reasonable opportunity to explain their concerns
- there are circumstances which may affect the person's communication or behaviour
- any reasonable adjustments are required under the Equality Act 2010
- there is a less restrictive way of managing the situation.

Where appropriate, the Council will try to resolve the situation informally before imposing formal restrictions.

5. Warning

Except in serious circumstances, the person will normally be warned before formal restrictions are imposed.

The warning will explain:

- what behaviour is causing concern
- why the Council considers that behaviour to be unreasonable
- what change in behaviour is requested
- what action the Council may take if the behaviour continues.

Where behaviour involves serious threats, aggression, harassment or risks to safety, the Council may take immediate action without first issuing a warning.

6. Restrictions on contact

Where unreasonable behaviour continues, the Council may impose reasonable and proportionate restrictions on contact.

Restrictions will be tailored to the circumstances and may include:

- requiring all communication to be made in writing
- requiring communication to be sent to one designated email address
- nominating one member of staff as the person's point of contact
- limiting telephone contact to specified times or arrangements
- limiting the frequency of correspondence the Council will respond to
- combining multiple communications and providing a single periodic response
- requiring appointments to be made before attending Council premises
- requiring meetings to take place with more than one Council representative present
- declining to respond further on a matter where the Council has completed its complaints procedure and no significant new information has been provided
- not acknowledging correspondence which simply repeats matters already answered
- limiting contact to matters which are genuinely new or require Council action
- taking other reasonable steps necessary to protect staff, councillors, Council resources or the effective operation of the Council.

Any restriction will be no greater than is reasonably necessary.

All incoming correspondence will still be considered to identify whether it contains a genuinely new issue, a safeguarding concern, a statutory request or another matter requiring action.

7. Making the decision

A decision to formally apply this policy will normally be made by the Clerk in consultation with the Chair of the Council.

Where the complaint or behaviour directly concerns the Clerk, the decision will be made by the Chair in consultation with the Vice-Chair.

The reasons for the decision and any evidence relied upon will be recorded.

The person concerned will be informed in writing:

- that the policy has been applied
- why the decision has been made
- what restrictions will apply
- the date the restrictions take effect
- how long they will initially remain in place
- when the arrangements will be reviewed
- how they may request a review of the decision.

8. Review and duration

Restrictions will not normally be imposed indefinitely.

A review date will be set when restrictions are introduced. As a general guide, restrictions should normally be reviewed within six months, although a shorter period may be appropriate depending on the circumstances.

At the review, the Council will consider the person's contact and behaviour since the restriction was imposed.

Restrictions may then be:

- removed
- reduced
- continued
- varied.

The person will be notified of the outcome.

9. Requesting a review

A person may request a review of a decision to apply this policy.

A request should normally be made within 10 working days of receiving notification of the decision and should explain why they believe the decision or restrictions are unreasonable.

The review will, wherever reasonably possible, be undertaken by someone who was not responsible for the original decision.

The outcome of the review will be communicated in writing.

10. Abusive, threatening or dangerous behaviour

The Council does not expect its staff, councillors, contractors, volunteers or members of the public to tolerate abusive, threatening or dangerous behaviour.

Telephone calls may be ended where a caller becomes abusive or threatening after being asked to moderate their behaviour.

Where there is an immediate or significant risk to a person's safety, the Council may contact the police or another appropriate authority.

Nothing in this policy prevents the Council from taking appropriate action to protect its staff, councillors, property or members of the public.

11. Freedom of Information, Environmental Information and data protection requests

This policy does not remove or restrict an individual's statutory rights of access to information.

Requests made under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or data protection legislation will be considered in accordance with the relevant legislation and Council procedures.

Where an information request itself may be considered vexatious, repeated or manifestly unreasonable, the Council will consider it separately under the relevant legislation and current Information Commissioner's Office guidance.

12. Complaints concerning councillor conduct

Complaints alleging that a parish councillor has breached the Councillor Code of Conduct are dealt with under the statutory standards arrangements of the relevant principal authority and are not determined under this policy.

This policy may, however, apply to unreasonable behaviour or communications towards the Parish Council while such a matter is ongoing, provided this does not interfere with the person's right to pursue their complaint through the appropriate process.

13. Equality and reasonable adjustments

The Council will have regard to its duties under the Equality Act 2010.

Where the Council is aware that disability, health, communication needs or other relevant circumstances may affect the way a person communicates, these will be considered before restrictions are imposed.

Reasonable adjustments will be made where appropriate.

A reasonable adjustment does not require the Council, its staff or councillors to tolerate abusive, threatening or seriously disruptive behaviour.

14. Record keeping and confidentiality

The Council will keep an appropriate record of:

- behaviour which has led to consideration of this policy
- warnings issued
- decisions made
- restrictions imposed
- correspondence relating to the decision
- subsequent reviews.

Personal information will be handled in accordance with the Council's Data Protection Policy, Privacy Notice and Document Retention Policy.

Information about restrictions will only be shared with councillors, staff or others where there is a legitimate need for them to know.

15. Related documents

This policy should be read alongside, where relevant:

- Complaints Procedure
- Code of Conduct
- Communications and Engagement Policy
- Data Protection Policy
- Privacy Notice
- Document Retention Policy
- Freedom of Information Policy
- Health and Safety Policy
- Equality and Diversity Policy
- Standing Orders
- Staff Handbook.

16. Policy review

This policy will normally be reviewed every two years, or sooner where:

- legislation or relevant guidance changes
- the Council's Complaints Procedure changes
- experience of applying the policy indicates that amendments are required
- a significant incident identifies a need for review.

Document History

Version	Date Approved	Changes/Action	Approved By	Minute Ref
1.0	16/09/2026	New BPC policy, informed by PHSO, LGSCO and ICO good-practice guidance	Full Council	26.9