



POLICY	COMMUNICATIONS
VERSION	1.5
LAST REVIEWED	09 August 2022

1 POLICY STATEMENT

1.1 This policy provides guidance on how to ensure efficient and effective communications between Councillors and third parties. As such it applies to Councillors, the Clerk and any employees, whether on paper or in any electronic form, or verbally.

1.2 Communications must be relevant and concise, providing a clear and concise 2-way process.

2 Outward correspondence

2.1 All official correspondence must be sent by the Clerk in the name of the Council using Council letter heading or logo.

2.2 The Clerk to the Council is the Proper Officer of the Council and as such is the authorised signatory for all external communications and legal documents, occasionally in conjunction with the Chair wherever this might be legally required.

2.3 Councillors engaged on Council business requiring discussions or communications with outside parties must make it clear that they are speaking as a councillor or an individual as appropriate and not on behalf of Council.

2.4 Emails on behalf of Council, or within Council, must always use the Parish Council mailbox and addresses, together with the agreed Council signature.

2.5 Parish Council mailboxes are solely for Parish Council business.

2.6 Always consider that any communication may in future be called in by third parties and disclosable in court, even if marked private and confidential

2.7 Sensitive information and privacy are always to be respected. Never say anything which might be construed as offensive or discriminatory.

2.8 Councillors receiving approaches from members of the community should seek guidance from the Clerk if in doubt about the response. At no time should Councillors express an opinion or make any promises to the public about any matter raised with them other than to say they will investigate the matter.

2.7.1 It may be appropriate to refer the matter to the Clerk to deal with as appropriate

2.7.2 Request that an item be placed on the relevant Council meeting agenda

2.7.3 Investigate the matter personally, having sought guidance from the Clerk

2.9 No individual Councillor should communicate directly with companies or individuals unless already agreed with the Clerk.

2.10 If a member of the public requests a copy of any correspondence, the matter should be referred to the Clerk.

- 2.11 Any communication with third parties must reflect the decisions and policies of Council. A copy should be sent to the Clerk, and this should be noted on the communication. When in doubt, default to clause 2.1

3 Internal communications

- 3.1 Where correspondence from the Clerk to a Councillor is copied to another person, the addressee should be made aware that a copy is being sent to that other person.
- 3.2 Agendas for Council, Committees, Sub-Committees and Working Groups should be clear and concise. They should contain sufficient information to enable Councillors to make informed decisions and for the public to understand which matters are being considered and which decisions are to be taken at a meeting.
- 3.3 Where the Clerk or Councillor wishes fellow Councillors to receive matters 'for information only' these should be circulated via the Clerk.
- 3.4 Internal communication regarding agenda items and ideas for consideration should have regard to the issue of pre-determination. Decisions are taken by Council as a whole.
- 3.5 Confidential correspondence from the Clerk must not be disclosed to anyone.
- 3.6 Councillors must not give instructions to any member of staff, unless authorised: for example, a committee with appropriate delegated powers.
- 3.7 No individual Councillor may give instructions to the Clerk or to another employee which are inconsistent with or conflict with Council decisions or arrangements for delegated power.
- 3.8 Wherever possible meetings with the Clerk or other officers should be by appointment. They must be relevant to the work of the officer and legitimate Council business.

4 Contact with the media

- 4.1 The Clerk is the first point of contact for the media. Media approaches must always be referred to the Clerk. Councillors are not permitted to issue media releases on behalf of Council and should not respond to requests for interview without first clearing it with the Clerk.
- 4.2 A press release is to make the media aware of a potential story; to provide important public information or to explain Council's position on an issue. The Clerk, in consultation with the Chair, is responsible for issuing formal press releases on behalf of Council.
- 4.3 Proactive media releases may be issued to promote a decision about the work of Council.
- 4.4 Reactive press releases may be prepared and issued in response to a specific question or as a rebuttal to an article already published. They must be timely.
- 4.5 Unless authorised by Council, Councillors should make it clear in writing that any views they express are personal and not necessarily those of Council.
- 4.6 Confidential matters, including items discussed at meetings where the Press and public have been excluded, must not be divulged.
- 4.7 Letters or articles representing the views of Council must be specifically approved by Council. If Councillors choose to express their own opinions on Council matters, they must make clear that the views put forward are those of the individual Councillor and not representative of Council policy.
- 4.8 Councillors and the Clerk should always have due regard to the reputation of Council.

5. Social Media

- 5.1 Facebook page administered by two councillors and the clerk. The page header will identify that all official communication needs to be sent to the parish clerk on email to parishclerk@bradda.org. Page will be set up with no commenting.

- 5.2. Postings will be factual and not opinions e.g., meeting agendas, Derbyshire County Council Road closures
- 5.3. Proactive social media posts may be posted to promote work or funded projects
- 5.4. Page to state that messages will not be responded to.

6. Use of the title 'Councillor'

6.1 For Representation:

The title should be used when progressing minuted council resolutions.

6.2 For Identification:

The title can be used as a means of clarification, **when views are not being expressed** e.g. When seeking information from partner agencies such as DCC, DDDC, PDNPA.

However, when expressing views at meetings with these partners it is imperative that Councillors clarify whether an opinion is personal or reflects agreed Council decisions.

- 6.3 Use of the title is not permitted to add weight to personal views or initiatives.

7. Dealing with Vexatious Communications

This section identifies instances where a complainant or correspondent with the Council, either individually, or as part of a group, may be considered to be acting in a habitual or vexatious manner, and identifies ways to respond to such situations.

The term "habitual" means something done repeatedly, or as a habit. The term vexatious is recognised in law and is defined as "denoting an action, or the bringer of an action, which is brought without sufficient grounds for winning, purely to cause annoyance to the defendant".

This part of the policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council, its members, and members of staff, through pursuing an unreasonable course of conduct.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000, and The Data Protection Act 2018 ((UK's implementation of the General Data Protection Regulation (GDPR)).

Habitual or Vexatious Complaints can be problematic for the Council, such Complaints are time consuming and wasteful in terms of resources in terms of staff and member's time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to rectify a real, or perceived problem.

The raising of legitimate queries, criticisms or complaints should not in itself lead to someone being regarded as vexatious or unreasonably persistent. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it, once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The intent of this policy is to contribute to the overall aim of dealing with complainants consistently, fairly, and reasonably.

7.1 Habitual or Vexatious Complaints.

For the purpose of this policy, the following definition of vexatious or habitual complaints will apply.

The repeated and/or obsessive pursuit of:

- Unreasonable complaints and/or unrealistic outcomes.
- Reasonable complaints in an unreasonable manner.

Where complaints have been identified as potentially habitual or vexatious the Council will consider and seek agreement to treat the complainant as vexatious or habitual, in order that an appropriate course of action can be taken.

The Parish Clerk will, on behalf of the Council notify the complainant in writing the reasons why their complaint has been classified as vexatious or habitual and what action will be taken.

The status of the complaint will be kept under review, and should the complainant subsequently demonstrate a more reasonable approach, their status may be reviewed and removed.

The Parish Council defines unreasonably persistent or vexatious complainants as those which, because of the frequency and nature of their contact with the Council hinders either Council's consideration of other complaints, or its business generally. The description vexatious or unreasonably persistent may apply separately or jointly to a particular complainant.

Examples may include the way in which, or the frequency with which complainants both raise their complaint, or how they respond when informed of the Parish Council's decision regarding their complaint.

The below lists examples of features of an unreasonable or vexatious complaint (the list is not however exhaustive):

1. Have insufficient or no grounds for their complaint and makes the complaint only to annoy (or for reasons that he/she/they do not make obvious).
2. Refuse to specify the grounds for the complaint, despite offers of assistance.
3. Refuse to co-operate with the complaints investigation, while still wishing their complaint to be resolved.
4. Refuse to accept that some issues are not within the remit of the complaints policy and procedure despite having been provided with information about the policies scope and procedure.
5. Refuse to accept that issues are not within the power of the Council to investigate, change or influence.
6. Insist on the complaint being dealt with in ways that are incompatible with the remit of the complaints policy or with good practice or procedure (e.g., insisting that there is no written record of the complaint).
7. Make what appear to be groundless complaints about the staff dealing with the complaint and seek to have them dismissed, removed or replaced.
8. Make an unreasonable or inappropriate number of contacts with the Council by any means, in relation to a specific complaint or complaints (this is likely to include unannounced and/or uninvited attendances at any member's home address or the use of any private email address).
9. Continue to make persistent and unreasonable demands of staff or members and/or the complaints process, after the unreasonableness has been explained to them (e.g., insistence on immediate responses to questions, frequent and/or complex letters, telephone calls, emails, faxes or any other kind of communication, including social media).
10. Harass, abuse, or otherwise seek to intimidate members, or staff dealing with them, to include foul, or inappropriate language, or by the use of offensive or racist language.
11. Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the commencement of the process.
12. Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account or commented upon.
13. Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
14. Deny statements he/she/they made earlier in the process.
15. Electronically record meetings or conversations without the prior knowledge and consent of the other person(s) involved.
16. Adopt a "scattergun" approach. For instance, pursuing a complaint or complaints, not only with the Parish Council, but other agencies and organisations at the same time e.g., members of a District Council, MP's, other Councils, the District Council Monitoring Officer, the Police or Solicitors.
17. Refuse to accept the outcome of a complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

18. Make the same complaint repeatedly, perhaps with minor differences after the complaints procedure has concluded and insist that these minor differences make these “new” complaints which should be put again through the full complaints procedure.
19. Persistently approach the Council through different routes about the same issue.
20. Persist in seeking an outcome which the Council has explained is unrealistic for legal, policy, or other valid reasons.
21. Refuse to accept documented evidence (including agreed minutes), as factual.
22. Complain about, or challenge an issue based upon historical and/or an irreversible decision.
23. Combine some, or all of these features.

7.2 Implementation of the Policy and Imposing Restrictions.

The Parish Council will ensure that a complaint has been investigated and considered properly according to the adopted complaints procedure.

The Parish Clerk will consult with the Parish Council prior to issuing a warning to the complainant. The Clerk will acknowledge to the complainant in writing (email is acceptable), and will explain why their behaviour is causing concern, request that they change this behaviour, and outline the actions and response the Council may take if they do not comply.

If the behaviour continues, the Parish Clerk will issue a reminder, in writing to the complainant advising them that the way they will be allowed to contact the Council, in future will be restricted.

Following the issue of this second letter the matter will be added to the agenda for the next scheduled Parish Council meeting, or an additional meeting will be convened (consideration should be given to discussing the matter in closed session).

Once a majority decision has been taken to designate a complainant vexatious and/or persistent, the Parish Clerk, on behalf of the Council will inform the complainant in writing of what restrictions have been put in place, and for what period of time.

Any restrictions imposed will be reasonable, necessary and proportionate and the complainant will be advised of the time period for which the restrictions will apply. In most cases, restrictions will apply for between 3 and 6 months, however any period may be extended or reduced following review, and any decision will consider any continuance, escalation or reduction in the complainants contact or behaviour.

Restrictions will be tailored to deal with the individual circumstances but may include:

- Banning the complainant from making contact by telephone except through a third party (e.g., a solicitor, friend, or advocate acting on their behalf).
- Banning the complainant from sending emails to individual and/or all Council members and insisting that they only correspond by letter.
- Requiring contact to take place with one named Council representative, or staff member only.
- Restricting contact to specified days and/or times only.
- Requiring any personal contact to take place in the presence of an appropriate third party.
- Advising the complainant that the Parish Council will not reply to, or acknowledge any further correspondence or contact from them in regard to the specific matter. In this case, the complainant is to be advised that a designated staff member (usually the Parish Clerk), will read their future correspondence.

Once a decision has been taken to designate a complainant as vexatious and/or persistent, and apply this policy to them, the Parish Clerk will contact the complainant in writing to explain:

- Why the decision has been taken, what action is to be taken, and the duration of that action. A copy of this policy will be enclosed with that letter.
- Where a complainant continues to behave in a way that is unacceptable the Parish Council may decide to refuse all contact with the complainant and stop any investigation into their complaint.
- Where the behaviour is so extreme that it threatens the immediate safety or welfare of members or employees, other options must be considered e.g., reporting the matter to the Police or taking legal action. In such cases, it is not necessary to give the complainant prior warning of any such action.

New complaints from individuals or groups who are treated as vexatious or habitual will be treated upon their own merits. The Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint.

The status of a complainant judged to be unreasonably vexatious and/or persistent will be reviewed by the Council every 6 months or at the nearest scheduled Parish Council Meeting thereto when a decision to remove or extend any restrictions will be taken. Following each review, the complainant will be notified of the outcome.

The Parish Clerk will keep adequate records of the detail of the case and the action taken.

Records will be kept of:

- The name and address of each member of the public who is treated under this policy as abusive, vexatious or persistent.
- What are the restrictions placed upon them , and their duration.
- When the individual concerned was advised.