



Persistent or Vexatious Complaints /Harassment Policy

This policy is intended to enable the Pembroke County Cricket Club deal effectively with unreasonable behaviour by third parties, including vexatious, excessive or persistent complaints, likely to cause harassment, detriment to physical or mental wellbeing, or any other harm to the Executive Committee or any of its volunteers.

The Pembroke County Cricket Club have a common law duty of care to protect its Officers, Executive Committee and volunteers from bullying or harassment. This includes such behaviour by a third party.

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’. It covers those people considered to be persistent, habitual, or prolific complainants.

This policy is intended for use as a last resort and after reasonable measures have been taken to try to resolve a complaint and maintain civil relations with a complainant.

Reasonable adjustments to this approach and acknowledgements should be made, as appropriate, where it is felt a disability may be impacting on a complainant’s approach.

Complainants are deemed to be vexatious as a result of unreasonable behaviour.

There is no single definition of “unreasonable behaviour”; Examples of behaviour may include one or more of the following:

- Persistence in pursuing a complaint when the procedures have been fully and properly implemented and exhausted.
- Not clearly identifying the precise issues that they wish to be investigated, despite reasonable efforts by the Officers and Executive Committee and, if appropriate, relevant independent advocacy services.
- Changing the substance of a complaint or introduce new issues.
- Making further associated complaints repeatedly or including further information amounting to minor variations on an earlier complaint that has already been dealt with.
- Continually make excessive demands in terms of process and fail to accept explanation of that process.
- Making unnecessarily excessive demands on time and resources. For example, continual contact with Officers and Executive Committee, when their complaint is being investigated and expecting immediate responses.
- Continuing to focus on minor points to an extent that they are out of proportion to their significance. (It is accepted that “minor” is subjective and careful judgement must be applied and recorded.)
- Harassing, threatening or being personally abusive or verbally aggressive on more than one occasion. (This may include written abuse in, for example, emails.)
- Repeatedly focussing on conspiracy theories and/or will not accept documented evidence as being factual. This may include complainants who do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- Denying receipt of an adequate response despite correspondence specifically answering their questions and/or concerns.

Other forms of persistent harassment may include:

- contacting Officers, the Executive or volunteers of the Pembroke County Cricket Club frequently and/or in a lengthy and/or complicated way.
- insisting on a complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice.
- making what appear to be groundless complaints about the Officers and volunteers dealing with the complaint and seeking to have them replaced by someone more senior or with a person the complainant names.

- refusing to accept information provided, for no justifiable reason.
- demanding details/data to which they are not (legally or reasonably) entitled.
- making statements the complainant knows are not true or persuading others to do so.
- supplying manufactured 'evidence' or other information the complainant knows is incorrect.
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered.
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure.
- pressing for further investigation of matters that have already been addressed.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints.
- persistently sending communications which demand responses, or making telephone calls seeking interviews with Officers, Executive Committee and volunteers, after the Pembroke County Cricket Club has closed the investigation into a complaint and all rights of review and appeal have been exhausted.
- using Subject Access Requests excessively and/or unreasonably.
- being insistent on only dealing with senior Officers, especially Chair on all occasions, irrespective of the issue and the level of delegation, to deal with such matters.
- insisting upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in any of the example points above in such a way that they:

- appear to be targeted over a significant period of time at one or more Officers, Executive Committee or volunteers and/or
- cause ongoing distress to individual Officers, Executive Committee or volunteers and/or
- have a significant adverse effect on the whole/parts of the Pembroke County Cricket Club, or the wider Pembrokeshire or Welsh Cricket community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient.

For the avoidance of doubt, this could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, wellbeing and health.

Complainants are very likely to be deemed to be vexatious in any situation where physical violence has been used or threatened towards Officers, Executive Committee and volunteers, or those associated with them at any time.

Any persistent or extreme vexatious behaviour will result in personal contact with the complainant being discontinued (save for any correspondence which requires a response in law), per the process below.

The Officers of the Pembroke County Cricket Club must consider the proportionality and appropriateness of the proposed restriction, in comparison with the unacceptable behaviour and the impact on its Officers, Executive Committee, volunteers and the Pembroke County Cricket Club.

As a guide, minimum periods of restricted contact should be at least 3 months, but may be indefinite – subject to mandatory review as below - in the most serious cases (especially where physical harm has been occasioned or threatened).

PROCESS FOR MANAGING VEXATIOUS COMPLAINANTS & RESTRICTING CONTACT

Where a complainant has been identified as vexatious, the Honorary Secretary will write to the complainant informing them that:

Repeated correspondence regarding the complaint is not acceptable and will be terminated, and that any further personal contact or correspondence from them will not be acknowledged or answered, however it will be read and recorded.

A copy of this policy should be sent to the complainant who has been deemed to be vexatious. All appropriate Officers, Executive Committee and volunteers should be informed of the decision so that there is a consistent and co-ordinated approach across throughout the Pembroke County Cricket Club. Review of the vexatious status of an individual should take place minimally at intervals of up to 6 months. The date of the review should be communicated to the individual with whom a restricted contact period has been enforced.

URGENT OR EXTREME CASES

In urgent or extreme cases, safeguarding and zero tolerance policies and procedures should be adopted. This should be discussed with the appropriate Officers of the Pembroke County Cricket Club to develop an action plan. In such circumstances, a review should be carried out of the case(s) at the first opportunity after the event. Consideration should be given as to whether the Pembroke County Cricket Club should take further action. This may be involvement of the police, other public or cricket authorities, or legal action, especially where it is believed the complainant has committed a criminal offence, such as harassment, assault on Officers, Executive Committee or volunteers, or in the case of criminal damage. Consideration should be given to using risk management or Health and Safety procedures to follow up an event in respect of the impact on the Officers, Executive Committee or volunteers.

APPEALING A DECISION TO RESTRICT CONTACT

A complainant may appeal against restricted contact, stating clearly the grounds for such an appeal. A complainant shall be entitled to appeal the material decision (whether restricted contact is appropriate), but not the proposed length of the restricted contact period. The appeal will be considered by the most senior Officers of the Pembroke County Cricket Club, or external individuals who have not been involved in the original decision to restrict contact with an individual, or an Officer of the Pembroke County Cricket Club, but correspondence with the complainant will be not be lengthy. They will advise the complainant in writing, within 10 working days, whether the restricted contact arrangements still apply, or a different course of action can be agreed.

RECORDING AND REVIEWING DECISIONS

When it is decided to restrict contact, or extend a period of restricted contact, all those involved will be notified and a record made on the complainant's file and any relevant computer records. Any further correspondence from the complainant will be read and checked for any significant new information.

If the complainant makes a new complaint about new issues, or has reasonable grounds to contact the Pembroke County Cricket Club, unrelated to previous matters already dealt with (or which cannot be dealt with through another person, eg another club representative), these will be treated on their merits and a decision will be made by the Chair or vice-chair, as to whether any previously applied restrictions remain appropriate or are necessary, or can be temporarily lifted.

A decision to restrict contact may be re-considered earlier than the original period of restricted contact, if the complainant is able to clearly demonstrate a more acceptable approach for a sustained period (as a guide this should be for a minimum of 3 months).

Should an individual previously subjected to a period of restricted contact subsequently re-engage in unacceptable conduct, deemed to be vexatious or harassing, the Pembroke County Cricket Club reserves the right to reinstate the policy of restricted conduct with that individual, which will be recorded and communicated, using the same process above.

Threats to involve the Media, the England & Wales Cricket Board, Cricket Wales or Sport Wales

Threats from complainants which might seek to involve the media, NGBs, other funders and/or legal action as part of a complaint will be treated respectfully.

The Pembroke County Cricket Club will respond appropriately to letters or approaches from the media, NGBs, our major funders, or solicitors in the most appropriate and timely manner, but will not enter into correspondence with a vexatious complainant making such threats.

