

STONELEIGH AND ASHOW JOINT PARISH COUNCIL

Complaints Procedure

1. Definition of a Complaint

A complain is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the Council itself, or a body acting on behalf of the Council.

2. Complaints that should be handled outside the Complaints Procedure

Some types of complaint should be dealt with by other more appropriate procedures:

- Financial irregularity will be handled by the Council's own auditor or the Audit Commission
- Criminal activity should be dealt with by the police.
- Conduct of Councillors should be referred to the Standards Committee of Warwick District Council.
- Employee misconduct should be dealt with through an internal disciplinary procedure.

3. Confidentiality

The identity of the complainant should only be made known to those who will consider the complaint.

4. Who will handle complaints

Councils will handle complaints in full council or nominate councillors who are not involved with the particular case (where possible) to form a Complaints Committee.

If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.

5. The Procedure

5.1 Before a meeting

The complainant should be asked to put the complaint in writing to the Clerk. If the complainant does not want to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Council.

The complainant should be advised that the members of the Council should be given adequate time to receive and understand the complaint.

The Clerk or Chairman shall acknowledge receipt of the complaint and advise the complainant when the complaint will be heard, and whether this will be by committee or at a full Council meeting. The complainant shall be advised whether the complaint shall be treated as confidential.

The complainant shall be invited to attend the committee meeting and advised that they may be accompanied by a representative if they so wish.

Three clear working days before the date of the committee the complainant shall provide the council with

copies of any documentation or other evidence to be relied on. The Council shall provide copies of any documentation upon which they wish to rely at the meeting and shall do so promptly so that the complainant has time to read the material in good time for the meeting.

5.2 At the Meeting

The committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

The Chairman shall introduce everyone and explain the procedure.

The complainant (or representative) shall outline the grounds for the complaint and thereafter shall answer any questions from the Clerk and then the members of the committee.

The Clerk shall have an opportunity to explain the Council's position and thereafter shall answer any questions from the complainant and then the members of the committee.

The complainant and then the Clerk shall be offered the opportunity to summarise their case.

The complainant and the Clerk shall be asked to leave the meeting while members decide whether or not the grounds for the complaint are justified. If a point of clarification is necessary both the Clerk and the complainant shall be called back into the meeting. As the Clerk has represented the Council he or she shall not advise the committee, as they need to determine the matter themselves.

The complainant and the Clerk shall be given the opportunity to wait for a decision but if the decision is unlikely to be finalised immediately they should be advised when the decision will be made and how it will be communicated.

5.3 After the Meeting

The decision shall be confirmed in writing within seven days of being made together with details of any action to be taken.

6. Policy on dealing with abusive, persistent or vexatious complaints and complainants

Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

7. Definitions of abusive, persistent or vexatious complaints

Members of the Council or the Clerk are not expected to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Sending multiple emails
- Leaving multiple voicemails

The Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints" shall be applied.

Unreasonably persistent and vexatious complainants are defined as those complainants who, because of the frequency or nature of their contacts with the council, hinder the consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way or frequency that complainants raise their complaint with members of the Council or the Clerk, or how complainants respond when informed of a decision about the complaint.

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (eg parking ticket and planning appeals)
- refuse to accept that issues are not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about Council members or the Clerk, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of Council members and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate Council members dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the council through different routes about the same issue

- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident
- combine some or all of these features

7.1 Procedure for abusive, persistent or vexatious complaints

Stoneleigh and Ashow Parish Council will ensure that any complaint received is investigated properly according to the corporate complaints procedure, as per Section 5 of this policy.

If the complaint becomes abusive, persistent or vexatious, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact in future will be restricted.

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 a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party eg solicitor/councilor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all council officers and insisting they only correspond by letter
- Requiring contact to take place with one named member of the Council only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that we 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 the Council or the Clerk should be identified, who will read all future correspondence)

When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing (and/or as appropriate) to explain:

- 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 right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent complainant.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of Council members or the Clerk, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Council may not give the complainant prior warning of that action.

8. Record Keeping

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

- The name and address of each customers who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends

- What the restrictions are
- When the relevant parties were advised

This policy was adopted by the Stoneleigh and Ashow Parish Council on 9th February 2023.

It will be reviewed on an annual basis.