

# **ATCHAM PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

### **Introduction**

This policy sets out how to raise a formal complaint against the Parish Council. A formal complaint is defined as an accusation against the council. The following procedure is for dealing with complaints about the council's administration or its procedures. Complaints about a policy decision made by the council will be referred back to council. This policy does not cover complaints against individual councillors or staff as these are the subject of separate procedures.

### **Procedure for handling a Formal Complaint**

The clerk is responsible for managing the formal complaints process. A formal complaint can only be submitted in writing to the council offices. A written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint. Should the complaint relate to the clerk, the complaint will be referred to the Chair of the Council and will be dealt with by procedures outside the scope of this policy. The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The clerk will acknowledge receipt of the complaint within 14 working days.

The clerk will carry out an initial investigation into the complaint and will within 28 working days provide the complainant with an update on progress, or a suggested resolution. The aim will be to seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage. If the complainant is satisfied with the resolution, the complaint is closed. The clerk will report to the council, at its next meeting, summary details of complaints dealt with by her directly and a brief summary of its resolution.

If the clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the council. The clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the council orally at that meeting the complaint is considered at. Should the complainant wish to submit any details, such as a summary of complaint, this must be received seven clear working days before the council meeting. The parish council will provide the same to the complainant. The council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the council meeting in public.

As soon as possible after the decision has been made (and in any event not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

### **Timings**

The parish council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, the timings may have to vary. The council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received. The complainant will be kept advised of the revised timescales.

## **Unreasonably Persistent and Vexatious Complaints Procedure**

### **1. Introduction**

The Council is committed to ensuring that it provides a high quality and efficient service to its electorate. However, there are rare instances where a member of the public unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service.

The procedure below establishes what is considered to be acceptable levels of contact with the Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled. The Procedure must NOT be used to impede the ability of a customer to have reasonable access to services provided. For example, a customer will not be considered for classification under this Procedure for asking difficult questions. It should not be assumed that because a member of the public has submitted a large number of enquiries they are vexatious or unreasonably persistent. In some cases, their persistence may be necessary to receive sufficient response from the Council.

### **2. Definitions of unreasonably persistent and vexatious behaviour**

Unreasonably persistent and vexatious complainers are those individuals who, because of the nature or frequency of their contacts with the Council hinder its ability to work effectively.

### **3. Actions and behaviours of unreasonably persistent and vexatious complainers**

These are some of the actions and behaviours which the clerk often finds problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper handling of the issues raised. These behaviours can be:

- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Making excessive demands on the time and resources of staff with lengthy phone calls e-mails to the clerk/councillors or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the complainant insists make these 'new' issues.
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council.
- Adopting a violent or aggressive demeanour

### **4. Operating the procedure**

Any of the above behaviours may trigger the beginning of this process.

The Clerk will contact the Chairman to discuss why the complainant's behaviour is causing concern and the Clerk may write to the individual clearly explaining the actions the Council may take if their behaviour does not change. In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of the Clerk/Councillors. This is a decision which will be taken by the Council.

Examples of some options the Council may consider are:

- Requesting contact in a particular format e.g. letters only
- Requiring contact to take place with a single named person only.
- Restricting telephone calls to specified days and times

- Restricting the number of times a complainant may be in contact over a certain time period.

If a complainant's behaviour continues, or if the behaviour is extreme or a rapidly escalating case, the Clerk in conjunction with the Chairman will make a decision as to the action to take. A letter will then be sent to the Complainant outlining the decision. All letters will include:

- Why the decision has been taken;
- What action will be taken;
- The duration of that action;
- The date of review for the action, if required;
- Details around the complainant's right of appeal against the decision to apply the procedure;

The decision made, and all correspondence sent in relation to it, will be recorded by the Clerk. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Clerk/Councillors, other options will be considered; for example reporting the matter to the Police or taking legal action.

### **5. Right of appeal**

Complainants have the right to appeal the application of the decision. All appeals will be examined by the Chairman or by Full Council if the Chairman was involved in the original decision to invoke this procedure.

#### **Contact Details:**

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#### **Policy Adoption & Review:**

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