



## COMPLAINTS CODE AND VEXATIOUS POLICY

### Introduction

From time to time the public or our service users have complaints about the administration or procedures of the Councillor. Sometimes the Council may be in the wrong but on occasions complaints may not be justified. The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Policy to ensure that complainants can feel satisfied that at the very least their grievance has been properly and fully considered.

Where a complainant has made a complaint to an outside regulator such as the Monitoring Officer, External Auditor, Police or Information Commissioner, it will not normally be appropriate for the Council to respond through this Complaints Policy, but to fully cooperate with that regulator.

There may be rare instances where a complainant unnecessarily takes up a large amount of resources. This can have a detrimental effect on the Council's ability to provide its services to others. At the end of this Procedure, the Council sets out what is considered to be acceptable levels of contact with it and how instances of unreasonably persistent or vexatious contact will be handled.

### Informal Complaint

1. When a complaint is received, the complainant usually wants a quick fix and an apology if the Council is at fault. Examples are the late payment of an invoice or not responding to a letter in a timely manner. The Council will put things right as quickly as possible and admit fault if that is the case. If it is unable to help or disagrees with the complaint, it will state clearly why it takes that view.

### Formal Complaint

2. If a complainant is not satisfied, or the complaint is too serious for a "quick fix", the complaint will be recorded as a Formal Complaint. The complainant will be asked to confirm the complaint in writing (email is acceptable) to the Town Clerk, (or if the complaint is about an action of the Town Clerk, it can be forwarded directly to the Mayor).
3. The Town Clerk (or Mayor) will acknowledge receipt of the complaint and advise the complainant when the complaint will be considered and by whom.
4. The Town Clerk (or Mayor) will (except where the complaint is about his/her own actions) try to settle the complaint directly with the complainant, but will not do so in a case about the Town Clerk or a Councillor, without first giving that person an opportunity to comment on the matter and the manner in which it is intended to settle the complaint. Where the Town Clerk (or Mayor) receives a written complaint about his/her own actions, he/she will forthwith refer the complaint to the Council.

5. The Town Clerk (or Mayor) will report to the next meeting of the Council, any written formal complaint disposed of by direct action with the complainant. The Town Clerk (or Mayor) may, after consultation with the (Deputy) Mayor and another committee chairman, ask an independent person to investigate the complaint.
6. The Town Clerk (or Mayor) will bring any written formal complaint which cannot be settled to the next or a special meeting of the Appeals Committee and the Town Clerk (or Mayor) will notify the complainant of the date of the meeting and invite them to attend with a representative if they so wish.
7. Seven clear days prior to the meeting, the complainant will provide the Committee with copies of any documentation or other evidence which they wish to refer to the meeting. The Committee will similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.
8. The Appeals Committee will consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint will be announced at the meeting in public.
9. The Complainant may opt not to attend or to attend but not present a verbal case.
10. The Chairman will introduce everyone present and will explain the procedure.
11. The complainant or representative will outline the grounds for complaint
12. Members will ask any questions of the Complainant.
13. If relevant the Town Clerk or Mayor will explain the Councillor's position. Members may ask any questions of them.
14. The Town Clerk and complainant will be offered the opportunity of having a last word (in that order).
15. The Town Clerk and complainant will leave the room (along with any member whose actions are part of the complaint) while members decide whether or not the grounds for the complaint have been made. If a point of clarification is required, both parties will be invited back into the room.
16. The parties will be invited back to hear the decision.
17. As soon as possible after the decision has been made, it and the nature of any action to be taken, will be communicated in writing to the complainant.

### **Unreasonably Persistent or Vexatious Complaints**

The procedure will not be used to impede the ability of anyone to have reasonable access to services provided, nor will it be assumed that because a customer/complainant 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.

Unreasonably persistent and vexatious complainants are those individuals who, because of the nature or frequency of their contacts with the Council hinder our ability to effectively deliver services to our customers. Some examples of behaviour and actions taken by these individuals are listed below, however this is not an exhaustive list.

These are some of the actions and behaviours which can prove 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 being raised.

These behaviours can be:

- Refusing to specify the grounds of the service request, despite offers of assistance.
- Refusing to co-operate with the process for handling service requests.
- 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.
- Changing the basis of the service request as the issue proceeds.
- 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.
- Covertly recording meetings and conversations, otherwise than allowed by law at a public meeting.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: inappropriately pursuing parallel service requests on the same issue with a variety of organisations or with a variety of individuals within the Council.
- Making excessive demands on the time and resources of staff with lengthy phone calls or e-mails to numerous council staff or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the service user 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 or individual services and functions.
- Adopting a violent or aggressive demeanour towards staff.

Any of the above behaviours will trigger the beginning of this process. The Town Clerk will normally write to the individual. The letter will clearly explain the actions the Council may take if their behaviour does not change.

Very rarely, in extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of staff members. This is a decision which will be taken by the Town Clerk with the utmost consideration for circumstances surrounding the incident(s).

Any restrictions imposed will be appropriate and proportionate, and examples of some options most likely to be considered 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; and/or a particular member of staff.
- Restricting the amount of times a customer may be in contact over a certain time period.

The decision to restrict or stop a person's access to the Council offices and officers can only be taken by the Council.

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;

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, other options will be considered; for example reporting the matter to the Police or taking legal action.

The Town Clerk will keep a record of all individuals who have had this procedure applied to them. Decisions taken under this procedure are subject to the Data Protection principles and the Human Rights Act. The position will be reviewed after 6 months if requested by the complainant.