

Clerk to the Parish Council
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Complaints & Vexatious Complaints Policy & Procedure

Adopted by South Petherton Parish Council – 2nd November 2020
Review date – November 2021

South Petherton Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

1. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concern.
2. This Complaints Procedure does apply to:
 - 2.1 Complaints by one council employee against another council employee, or between a council employee and the council as an employer
 - 2.2 Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for members adopted by the Council on 14th May 2019, and, if a complaint against a Councillor is received by the council, it will be referred to the Monitoring Officer of South Somerset District Council.
3. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this in writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for 6 months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in Standing Orders is followed.
4. You may make your complaint about the Council's procedures or administration to the Clerk. You may do this in person, by phone, by writing to or emailing the Clerk. The addresses and numbers are listed on the website.
5. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
6. If you do not wish to report your complaint to the Clerk, you may take your complaint directly to the Chair who will report your complaint to the Finance & General Purpose Committee of the Council.
7. The Clerk or the Finance & General Purpose Committee of the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff members of the Council.
8. The Clerk or the Chair will notify you within 20 working days of the outcome of your complaint and what action (if any) the Council proposes to take as a result of your complaint. (in exceptional circumstances, the 20 working days timescales may have to be extended. If it is, you will be kept informed).
9. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and (usually within eight weeks) you will be notified of the outcome of the review of your original complaint.

Policy in the management of unreasonable complainant behaviour (Vexatious)

Aim of this Policy

The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff of South Petherton Parish Council, Councillors, partner organisations, as well as members of the Parish.

Introduction

The Parish Council is committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible but, because of the nature or frequency of their contact with the Council's services, a few complainants behave unreasonably and hinder the consideration of their own, or other complainants' cases.

This policy covers 'unreasonable complainant behaviour', which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period. This also covers obsessive behaviour which is tantamount to victimisation of an individual or those associated with an individual, whether professionally or personally.

Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with the Council, hinder the Council's consideration of their, or other people's complaints. These complaints may include complaints about Officers, Councillors and Council Services. Nothing in this policy in any way diminishes the Council's policies and procedures aimed at detecting fraud or improper behaviour.

Examples of unreasonable actions and behaviours

These are some of the actions and behaviours which organisations often find problematic. Single incidents may be unacceptable, but more often, the difficulty is caused by unreasonable behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers to help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure 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 complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter-gun' approach: pursuing parallel complaints on the same issue with various organisations
- Making excessive demands on the time and resources of staff with phone calls, emails to numerous councillors and/or staff, or letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Unreasonable complainant conduct

The Parish Council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes. In certain circumstances such behaviour may be construed as harassment and the Council will consider taking legal action.

Our Officers manage a number of queries and complaints at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate our attention with frequent, repetitive & lengthy contacts. This hinders the consideration of their or other people's complaints and their day to day duties as an Officer. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

Forewarnings

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will warn them that, if the behaviour continues, we may take action to restrict their contact with the Parish Council.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff we may report the matter to the police and/or consider taking legal action. In such cases, we may not give the complainant prior warning.

Restricting access to the Parish Council

The Responsible Officer and Chair and/or Finance & General Purpose Committee will decide whether the circumstances justify any restrictions of access. They will record the reason for their decision and explain it to the person concerned. They will also be notified that a marker/flag will be applied to their record. They will state how long any restrictions will apply before it is reconsidered.

Examples of the sort of the restrictions imposed could include (this is not an exhaustive list);

- Restricting telephone calls to specified days and limited times.
- Limiting contacts to one form only (for example, a maximum of one letter or email per week).
- Requiring contact to take place with one named Officer.
- Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds and/or
- Managing contact with the help of an independent advocate

Other suitable options will be considered in the light of the complainant's circumstances. Our objective wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

Terminating access to the Council's complaints service

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigations into their complaint.

New complaints

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on its merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to any new matter.

Contacts

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