

Codsall Parish Council

Complaints Policy

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Policy

Codsall 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.

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 by 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 session at 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 six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

It will not be appropriate to deal with all complaints from members of the public under this complaints procedure. This procedure is not appropriate for use where a complaint is made against the conduct of an individual.

The Council should consider engaging other procedures or bodies in respect of the following types of complaint:

- i) Financial irregularity: Refer to the local elector's statutory right to object to the Council's audit of accounts as per s.16 Audit Commission Act 1998. On other matters, the Council may need to consult its auditor and/or the Audit Commission.
- ii) Criminal activity: Refer to the Police.
- iii) Member conduct: A complaint relating to a Member's failure to comply with the Council's Code of Conduct should be dealt with in accordance with Codsall Parish Council's Code of Conduct which was adopted by the Parish Council in September 2012, as prescribed by the Localism Act 2011.
- iv) Employee conduct: Refer to the Personnel Committee to be dealt with under the Council's Disciplinary and Grievance Procedure.

Procedure

To be used in cases of complaint by the public about the Parish Council's procedures and their implementation and administration.

You may make your complaint about the Council's procedures or administration to the Clerk. You will be asked to put your complaint in writing.

Wherever possible, the Clerk will endeavour to resolve your complaint immediately. An apology will be issued if appropriate. If it is not possible to resolve your complaint, the Clerk will normally attempt to acknowledge it within five working days. The outcome will be reported at the next meeting of the Council.

If the complaint cannot be resolved, the Clerk or the Chairman of the Council will investigate further, obtaining additional information as necessary from you and/or from staff or members of the Council.

The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action, if any, the Council intends to take as a result of your complaint. In exceptional cases the twenty working days timescale may have to be extended; if it is, you will be kept informed.

If you are dissatisfied with the response to your complaint, you may ask for it to be referred to the full Council. The Council shall 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 a full Council meeting in public.

Usually within eight weeks you will be notified in writing of the outcome of the review of your original complaint. The outcome of the investigation will be announced at a full meeting of the Council.

The Council's decision shall be final.

Procedure for Handling Vexatious or Abusive Complaints

It is possible that an individual or group will make a complaint that is vexatious. It is therefore necessary to have a procedure in place to deal with such an occurrence.

Where complaints are identified as vexatious in accordance with the criteria set out in Appendix 1 below, the Clerk in liaison with the Chairman, Vice Chairman and Chairman of the Finance Committee and/or Chairman of the Personnel Committee, will determine the action to be taken. The Clerk will implement such action and will notify the complainant that their complaint is considered vexatious. This notification will be copied to all Councillors and a record kept of the reasons why a complaint has been deemed to be vexatious.

The Council may deal with vexatious complaints in one or more of the following ways:

- In a letter, setting out a code of commitment and responsibilities for the parties involved if the Parish Council is to continue processing the complaint. If these terms are

contravened, consideration will then be given to implementing other action as indicated below.

- Decline contact with the complainant, either in person, by telephone, fax, email or any combination of these, provided that one form of contact is maintained which will usually be by conventional post (letter).
- Notify the complainant, in writing that the Council has responded to the points raised and has tried to resolve the complaint but that there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint.
- Inform the complainant that the Council intends to seek legal advice on unreasonable or vexatious complaints or behaviour.
- Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered.

Restricting Contact

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time such as:

- Placing time limits on telephone conversations and personal contacts;
- Limiting the complainant to one form of contact (letter);
- Requiring the complainant to communicate only with one named employee/Member;
- If a complaint is currently going through the Council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;
- Closing the investigation into a complaint;
- Refusing to register and process further complaints providing the complainant with acknowledgements only;
- Banning a complainant from the Council's premises;
- Involving the police where the complainant is believed to have committed a criminal offence (harassment, assault or criminal damage), where assault is threatened, or the complainant refuses to leave Council premises.

The Clerk will inform the complainant in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.

There should never be a blanket ban for an unspecified period of time unless the Council are legally required to do so following a Police investigation. The Council will always try to maintain one form of contact which would normally be by way of conventional post (letter). In extreme situations the Council will advise the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, employees, Councillors and co-opted Members do not suffer any disadvantage or undue stress and the resources of the Council are used as effectively as possible.

Threatening and Abusive Complainants and Harassment

The Council does not expect staff or Members to tolerate unacceptable behaviour by complainants which causes or may cause undue stress and believes that harassment is unacceptable. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally on the staff or members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours the staff or Member affected should remove themselves from the situation and the complainant be asked to leave the premises where appropriate.

This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the complainant should be asked to leave the premises.

All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

Any complainant who threatens or uses physical violence towards staff or Members will receive written confirmation that they are being treated as a vexatious complainant and informed of the action that will be taken, which may involve referring to the Police.

Legal References

Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to respond to vexatious requests. The Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and Members.

Appendix 1 - Definition of a Vexatious Complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria:

- Persist in pursuing a complaint where the Council's Complaints Procedure or the Freedom of Information Scheme has been fully implemented and exhausted.
- Persistently changing the substance of a complaint by continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response.
- Repeatedly unwilling to accept evidence given as being factual or denying receipt of an adequate response in spite of correspondence specifically answering their questions. Not accepting that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly refusing to accept that the complaint is not within the remit of the Council.
- If the complaint is about the same matter that has already been considered, with only minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance. It is recognised that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints.
- Have threatened or used physical violence towards staff or Members at any time.
- Have had an excessive number of contacts with the Council - placing unreasonable demands on staff or Members. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- Have harassed or been personally abusive or verbally aggressive towards staff or Members dealing with the complaint. The Council recognises, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and should make reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour will be documented.
- Have harassed or been personally abusive or verbally aggressive towards any Members of the Council or co-opted Members whether this has been by face-to-face contact or at public meetings.
- Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff

or Members of the Council with the objective of soliciting information for whatever purpose.

- Seeking to coerce, intimidate or threaten staff, Members or other people involved, whether by use of language, tone of voice or
- Repeatedly raise complaints which are already proven to be without substance or foundation.

11th March 2015 - Adopted