



*Longwick-cum-Ilmer
Parish Council*

LONGWICK CUM ILMER PARISH COUNCIL COMPLAINTS POLICY

This policy sets out how Longwick cum Ilmer Parish Council handles complaints from members of the public. This Complaints Policy does not apply to complaints about individual Councillors. Any complaint about the conduct of a Councillor must be submitted directly to the Monitoring Officer at Buckinghamshire Council, who is responsible for handling Code of Conduct matters.

1. The Parish Council is committed to providing a quality service for its residents and visitors. If a person is dissatisfied with the standard of service they have received from the Council, or about an action or lack of action from the Council, this Complaints Procedure sets out how to complain to the Council and how the Council will try to resolve your complaint.
2. This Complaints Procedure applies to complaints about Council administration and procedures.
3. This policy does not apply to Freedom of Information or Environmental Information Regulations requests, which are handled under separate statutory procedures.
4. It is hoped that most complaints can be resolved quickly and amicably through the Parish Clerk.
5. Initial complaints can be made by telephone, email or letter. However, no action will be taken unless the complaint is submitted in writing.
6. Complaints must always be directed through the Clerk or Chairman, as appropriate, and not through individual councillors.
7. Wherever possible the Clerk or Chairman will try to resolve the complaint immediately. If this is not possible, the complaint will be acknowledged within 5 working days.
8. The Clerk or the Chairman will notify the complainant within 20 working days of the outcome of the complaint and its resolution. If the time needs to be extended the complainant will be informed.
9. A complaint against the Clerk could result in disciplinary action. The Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against the Clerk. This is expressly to protect the employment rights to which employees of the Council are entitled.
10. A small percentage of complainants may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable or which has the effect of intimidating or harassing staff.

Handling Vexatious or Abusive Complaints

Where complaints are identified as vexatious in accordance with the criteria set out in appendix 1, the Clerk in liaison with three councillors including the Chairman of the Council, will determine what action to take. The Clerk will implement such action and will notify the complainant(s), that their complaint/grievance is considered as vexatious and what action that will be taken. This notification will be copied to all Councillors and a record kept of the reasons why a complaint has been classified as 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/grievance. 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/grievance 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/grievances and behaviour.
- Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint or grievance 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;
- Closing the investigation into a complaint;
- Refusing to register and process further complaints providing the complainant with acknowledgements only.

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.

Threatening and Abusive Complainants and Harassment

- We do not expect the Clerk or Councillors to tolerate unacceptable behaviour by complainants which causes or may cause undue stress.
- The Council believes that harassment is totally 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 members affected should step away from the situation and the complainant asked to leave the premises where appropriate.
- 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.

Legal References

Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with 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/grievance where the Council's Complaints Procedure or the Freedom of Information procedure has been fully implemented & exhausted.
- Persistently change the substance of a complaint/grievance or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response.
- Are repeatedly unwilling to accept evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts of the Council to address their concerns, and/or where the concerns identified are not within the remit of the Council.
- If the complaint is about essentially the same matter that has already been considered, with only very 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 of 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/grievance. 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 (Councillors) or co-opted members whether this has been on a face-to-face contact or at public meetings.
- Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.
- Repeatedly raise grievances which are already proven to be without substance or foundation.