

## **Complaints and Vexatious Complaints Policy and Procedure**

### **Introduction**

A complaint is *an expression of dissatisfaction about a council service that requires a response*. We make no distinction between a 'formal' and an 'informal' complaint.

This policy covers general complaints to the council about its own services. It does **not** cover complaints that are covered by other rules, such as:

- Planning appeals.
- Benefits entitlement appeals.
- Council tax or business rates liability appeals.
- Reviews of decisions under the Information Request (Freedom of Information Act) and related legislation.
- In the event of a complaint against the Chair the council will decide if the complaint is investigated by the Local Government and Social Care Ombudsman [LGO]. The decision will be made by the Vice Chair and/or Proper officer independent of the complaint.

### **Aims of the policy**

We aim to provide good quality services. Unfortunately, things go wrong sometimes. It is really important for us to know when things do not go well, so that we can try to resolve any problems and learn from them.

For this reason, we have a complaints process. We log complaints on a Complaints Register and report to councillors on how we are doing.

### **How we try to resolve your complaint**

Before making a complaint, call the council service direct as it may be possible to resolve the problem immediately without having to go through the complaints process. If this is not possible or you are unhappy with the response then the stages below outline our complaints process.

## **Complaints Process**

### **STAGE 1 – Proper Officer (Clerk)**

The Proper Officer for the relevant service will receive your complaint.

He or she will oversee the investigation and respond directly to you. He or she may need to contact you to clarify the details of your complaint. It is very important that we understand exactly what the complaint is before we investigate.

We aim to acknowledge your complaint in writing or email within 3 working days and provide an answer within 20 working days. Sometimes, a complicated complaint may take longer. We will keep you informed if this happens.

### **STAGE 2 – Chair**

If you are not satisfied with the Proper Officer's reply, you may contact the Chair, who will try to provide a full response within 15 working days. If their response is likely to take longer, they will contact you and agree a resolution date.

### **STAGE 3 – Ombudsman**

If you are not satisfied with the Chair's reply, you may contact the LGO. This is the independent organisation that investigates complaints against councils.

You may obtain a leaflet about the Ombudsman by visiting:

[www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint).

### **How to complain**

We are happy to receive your complaint in a variety of ways.

Email: email your complaint to [minsteadclerk@gmail.com](mailto:minsteadclerk@gmail.com)

Telephone: 07847 327 162

Letter: address your letter to the Clerk - "Complaints" at Minstead Parish Council, Agisters Cottage, Seamans Lane, Minstead, Lyndhurst, SO43 7FU

Through your local Councillor: they will forward your complaint to the relevant person.

### **Resolving the complaint**

We aim to resolve complaints within 20 working days. Sometimes, a complicated complaint may take longer, and we will discuss a revised target date with you.

## **Minstead Parish Council**

Reviewed September 2023

Updated October 2022

We monitor this target to make sure complaints are resolved as quickly as possible.

We will work closely with you to get at the heart of the problem and do whatever we can to put things right. We will apologise if we have let you down and learn from our mistakes.

### **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 and councillors in Minstead Parish council.

#### **Introduction**

Minstead Parish Council ("the Council") are committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible.

Due to 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.

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.

### 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 unreasonably persistent 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 of help.
- Refusing to cooperate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint's 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 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 lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations insisting they are made 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

### Unreasonable complainant conduct

The 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.

Our Officers manage several 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, lengthy contacts and repetitive information. 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 also warn them that, if the behaviour continues, we may take action to restrict their contact with the 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 Council

The Chair or Proper Officer 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. The complainant will be notified that a marker/flag will be applied to their record, and for how long that will apply before the matter is reconsidered. Example of the sort of restrictions imposed could include (this list 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 a 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 after six months, we will review whether the restrictions imposed are still necessary and should remain.

## Terminating access to the Council's complaint 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

A new complaint from someone 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.

## Policy Review

We will review this policy at least once every two years. We will also occasionally seek feedback from complainants about the process to make sure that they are being treated fairly and complaints are being dealt with professionally.