



LYNCHMERE PARISH COUNCIL COMPLAINTS POLICY AND PROCEDURES ADOPTED 03.10.17

1. Introduction

Lynchmere Parish Council [LPC] [the Council] aims to provide good service to its parishioners in all areas of its work. This policy sets out how to raise a complaint with the Parish Council.

2. Complaints Policy

Complaints about LPC Administration or Procedures. These will be dealt with using either the informal procedure or formal procedure of referral to full Council as detailed below.

Complaints about LPC Policy Decisions: These will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

Complaints against Councillors. This policy does not cover Code of Conduct complaints against an individual Councillor. Any complaint that a Councillor may have breached the Council's adopted code of Conduct should be made to the Proper Officer who shall refer it to the Council and thereon to the Monitoring Officer if required (should be made directly to the Chichester District Council (CDC) Monitoring Officer). The Monitoring Office can only deal with Code of Conduct complaints about the behaviour of a Councillor and failure to follow the Code. S/he will not deal with complaints about matters which are not covered by the Councillors Code of Conduct. The complaint should be addressed to: *The Monitoring Officer, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY*

Freedom of Information Complaints: A complaint that the Parish Council has not released information under the Freedom of Information Act, in the manner that a person requesting believes it should have been done, can be referred to the Information Commissioner but should first be notified to LPC for clarification or resolution.

Recording of Complaints: All complaints will be noted by the LPC Clerk in the LPC Complaints book. This will detail the complainant, date, nature and detail of the complaint, the route followed as well as the date and details of its resolution.

Anonymous Complaints: The Parish Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

3. Making a Complaint

A formal complaint should be made by letter or email to the Clerk, marked "Confidential – Formal Complaint". The complainant should cover as much detail as possible and enclose any relevant supporting documents.

The Clerk will acknowledge the complaint and will assure the complainant that the matter will be dealt with promptly after receipt. The Clerk will inform the LPC Chairman of the complaint (unless s/he is involved, when the matter will be referred to the Vice-Chairman). Individual Councillors (including the Chairman) are not in a position to resolve complaints if they are in any way involved in the issue or issues raised by the Complainant. If the Complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Chairman of the Council.

It is hoped that most complaints can be resolved quickly and amicably through the Informal Complaints Procedure [ICP] outlined below. However, where the complaint is deemed to be serious enough a formal approach of referral to full Council will be initiated from the outset. The LPC Chairman will determine whether the informal approach is appropriate or not.



4. Informal Complaints Procedure

The ICP procedure will follow the following stages

Stage 1: The complaint will be handled by the Clerk (unless the complaint involves the Clerk- in which case the Chairman will appoint the most appropriate Council member, depending on the nature of the complaint). The Chairman will determine who this is and appoint that person to lead the process. Any person complained about will be notified of the complaint.

Stage 2: The Clerk or Appointed Councillor [CL/AC] will contact the Complainant within three days of being appointed, to inform them that they have been appointed to deal with the complaint and where appropriate seek clarification of the complaint.

Stage 3: The [CL/AC] will contact any person complained about and give them an opportunity to comment.

Stage 4: The [CL/AC] will try and reach an agreed resolution with the Complainant.

Stage 5: The [CL/AC] to report back to the Chairman that he has either achieved an agreed resolution or cannot.

5. Referral to Full Council

This stage will only be entered if the complaint has not been resolved through the Informal Complaints Procedure.

- a) As far as possible LPC carries out its business in public, but matters that involve individual identified members may require the exclusion of the press and public. The LPC Chairman (or Vice-Chairman) shall consider whether the circumstances of the full Council meeting warrant the exclusion of the press and public. If the LPC Clerk or any Council members are implicated in the complaint, the press and public shall be excluded.
- b) The LPC Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made.
- c) The Meeting shall be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
- d) The Complainant (or representative shall be invited to outline the grounds for complaint and to sum up their position. Council members shall be given the opportunity to ask any question of the Complainant.
- e) The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received in the same manner as outlined above.
- f) As soon as possible after the decision has been made, and in any event no later than 14 days after the meeting, the Complainant shall be notified in writing of the decision and any action to be taken. The announcement will be made in public, at the next Council meeting.

LPC will try to adhere to the timings in this document, but in the case of a complex complaint or the absence of a member who is involved in the complaint, or the LPC Clerk, timings may have to vary. Should this occur then the Complainant will be kept advised of the revised timescales.

A formal complaint is a serious matter. The Council will not under any circumstances enter into any correspondence, or discussion, with any Complainant about any action taken, formally or informally against an employee. This is to expressly to protect the employment rights to which employees of the Parish Council are entitled.

Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the LPC's grievance and disciplinary procedures as set out in the employee's contract of employment.

LPC may consider in the circumstances of any complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Parish Council's maladministration. Any payment may only be authorised by the LPC's auditor after their approval as to the propriety of such.



Lynchmere Parish Council ~ Vexatious Complaints Procedure

A policy for dealing with abusive, persistent or vexatious complaints and complainants

1 Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious. The following clauses form the Parish Council's policy for ways of responding to these situations.

1.1 In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

1.2 This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

1.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

1.4 Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1.5 Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

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

2 Habitual or Vexatious Complainants

2.1 For the purpose of this policy the following definitions of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- a. unreasonable complaints and/or unrealistic outcomes; and/or
- b. reasonable complaints in an unreasonable manner.

2.2 Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Complaints Committee will seek



agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

2.4 The Clerk on behalf of the Parish Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Monitoring officer for Chichester District Council will also be informed that a constituent has been designated as an habitual or vexatious complainant.

2.5 The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3 Definitions

3.1 Lynchmere Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

3.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complaint.

3.3 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- refuse to accept that issues are not within the power of the Council to investigate, change or influence.
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint).
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints.
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or e-mails).



- harass or verbally abuse or otherwise seek to intimidate members of LPC (or the Clerk) dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media.
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- deny statements he or she made at an earlier stage in the complaint process.
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors.
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- persistently approach the Council through different routes or other persons about the same issue.
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons.
- refuse to accept documented evidence as factual.
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident.
- combine some or all of these features.

4. Imposing Restrictions

4.1 LPC will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

4.2 In the first instance the Clerk will consult with the Chairman of the Council and Chairman of the Complaints Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the



Chairman of the Council and the Chairman of the Complaints Committee and inform the complainant in writing of what procedures have been put in place and for what period.

4.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf.
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- requiring contact to take place with one named member of staff only (In most cases this will be the Clerk; unless the complaint concerns the Clerk, in which case the Chairman or Vice-Chairman will deal with the matter).
- restricting telephone calls to specified days and/or times and/or duration requiring any personal contact to take place in the presence of an appropriate witness.
- letting the complainant know that the Parish Council will not respond to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the decision has been taken.
- what action has been taken.
- the duration of that action.

4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of Councillors or Clerk, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

[5 New complaints from complainants who are treated as abusive, vexatious or persistent](#)

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk, the Chairman of the Parish Council in conjunction with the Chairman of the Complaints Committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.



5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

6. Review

6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, the Chairman of the Parish Council and the Chairman of the Complaints Committee after three months and at the end of every subsequent three months within the period during which the policy is to apply, or by the next Full Council Meeting.

6.2 The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

7 Record Keeping

7.1 The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- when the restrictions came into force and ends
- what the restrictions are
- when the person and Council were advised.

7.2 Full Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.