



Lymptstone Parish Council Complaints Procedure Policy

The following policy was adopted and agreed by Lymptstone Parish Council on **7th November 2021**.

The policy was reviewed and agreed by Lymptstone Parish Council on **2nd October 2023**.

LYMPSTONE PARISH COUNCIL

COMPLAINTS PROCEDURE

1. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
2. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
4. The complainant will be asked to put the complaint in writing to Miss Lucy Tyrrell, Clerk and RFO to Lymptstone Parish Council, c/o Minnows, Longmeadow Road, Lymptstone, EX8 5LF. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
7. The Clerk to the Council (or Chair) will report any complaint disposed of by direct

Action with the complainant to the next meeting of the Council.

8. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
9. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
10. The Council may 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 the Council meeting in public.
11. The Council may consider in the circumstances of any particular 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 Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
12. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
13. 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.

The following addition was adopted and agreed by Lymestone Parish Council on **2nd October 2023**.

14. Persistent, vexatious, and abusive complaints.

14.1 Introduction

Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council.

The Parish Council are committed to dealing with all complaints equitably, comprehensively and in a timely manner. The PC will not limit the contact which complainants have with the Parish Clerk or Parish Council. Nothing should deter genuine complaints.

It is unacceptable for the Parish Clerk or Councillors to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour, which is abusive, offensive, bullying or threatening and may include:

- Using abusive or foul language on the telephone.
- Using abusive or foul language face to face.
- Any form of intimidating, bullying or threatening behaviour.
- Sending multiple Emails.
- Leaving multiple voicemails.

- Derogatory and inaccurate comments online and social media.
- Demanding a response (either without full Parish Council involvement or immediately) and threatening a course of action which would hinder/harm the Parish.

We will take action to protect Councillors and the Clerk from such behaviour, if a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this procedure.

Raising legitimate queries or criticism of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, should not necessarily cause them to be labelled unreasonably persistent.

14.2. Aim

To ensure that complaints are dealt with in ways which are demonstrably fair and reasonable. Whilst ensuring the Parish Clerk and Councillors are treated with politeness and respect.

Decide which complaints will be treated as vexatious (difficult to deal with and causing a lot of anger, worry or argument) or unreasonably persistent, and what the PC do in those circumstances.

14.3. Definitions

The Local Government ombudsman definition of 'unreasonable complainant behaviour' and 'unreasonable persistent behaviour'.

The definition of unreasonably persistent and vexatious complaints as those which because of the frequency or nature of the complainants contact with the Council, hinder the PCs consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

Examples include the way or frequency that complainants raise their complaint with Councillors or the Clerk, or how complainants respond when informed of a Council decision about the complaint. Features of an unreasonably persistent and/or vexatious complaint includes the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category).

Unreasonably persistent and/or vexatious complaint may be one where:

- There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- There are no specified grounds for the complaint despite offers of assistance to clarify.
- The complainant refuses to co-operate with the complaint's investigation process, while still wishing their complaint to be resolved.
- The complaint is about issues not within the power of the council to investigate, change or influence (examples could be about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this.

- The complainant insists on the complaint being dealt with in a way which are incompatible with the complaints procedure or with good practice (insisting for instance that there must not be any written record of the complaint, or the complainant remains anonymous).
- There appears to be groundless complaints about the Clerk or Councillors (and the complainant fails to evidence the complaint).
- There is an unreasonable number of contacts with the Clerk or Councillors.
- There is persistent and unreasonable demands or expectations of the Clerk or Councillors, after the both the complaints process and the Parish Council responsibilities have been explained.
- Attempts to harass, verbally abuse, or otherwise intimidate the Clerk or Councillors by offensive, discriminatory or inappropriate language will not be tolerated.
- The same complaint is made repeatedly, perhaps with minor differences, after the matter has been concluded, and the complainant insists the minor differences makes the complaint new, which should then be investigated.
- Documented evidence is not accepted as factual by the complainant.
- The complainant relates to an issue based on a historic and irreversible decision or incident.
- The complaint combines some or all of these features.

14.4. Imposing restrictions

Having confirmed that the complaint is within LPCs complaint procedure policy. The PC will ensure that the complaint is investigated properly.

If the complaint is not within the PC responsibilities, the complainant will be advised of this (and sent a full list of the role and responsibilities of the PC) and directed to contact the appropriate department. The complainant will be advised that the PC will only respond in future to complaints about matters that are the PC's responsibility.

A copy of LPCs complaints procedure policy will be sent to the complainant.

If the behaviour continues after the role/responsibilities of the council and this policy has been delivered to the complainant. The matter will be referred to the Council to decide if:

- The complainant is to be placed on a 'no contact' list and if so, the period of time.
- What areas of complaints will be classed as persistent/vexatious.

The complainant will be informed of this decision and reasons:

- Why the Council has taken the decision.
- What action the Council is taking.
- The duration of that action.
- The review policy of this process, and the right to contact the East Devon Monitoring officer to challenge the decision.

14.5. New complaints from a person listed as 'vexatious'.

Lympstone Parish Council cannot impose a blanket policy of ignoring genuine service requests or complaints when they are founded.

A new complaint from a vexatious complainant will be treated on its merits if:

- It is within the PC area of responsibility.
- The contact with the PC is carried out in a courteous and responsible manner.
- PC response is merited.

14.6. Record keeping

An accurate record of those listed will be maintained by the Parish Clerk:

- The name and address of each complainant treated as vexatious.
- When the restriction comes into force (and ends).
- What the restrictions are.
- When the complainant was advised.

Lucy Tyrrell, Clerk and RFO to Lympstone Parish Council

Date of next review: November 2024