

HOLME HALE PARISH COUNCIL

COMPLAINTS PROCEDURE

(including abusive, persistent and vexatious complaints)

Approved: 3rd July 2023

Review Schedule: Three years

Definition of a complaint

Generally, a complaint will be about the Parish Council's procedures or administration. It will be an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service - whether the action was taken (or the service provided) by the Parish Council or a person or organisation acting on behalf of the Council.

Complaints should always be directed through the Clerk, with the Chairman being advised, (except for complaints about the Clerk, in which case, the Chairman takes the place of the Clerk in managing the process). It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

How we deal with Complaints

If you have a complaint (or a compliment) about the Council, we would like to hear from you. This document tells you how to complain, and what happens to your complaint on receipt. It also tells you who will deal with the complaint, how you can be represented, when a decision is made and how you will be notified of this.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Parish Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Parish Council by the Clerk.

Feedback from our residents, whom we aim to serve efficiently and effectively, is the only way we can continually improve our services.

We aim:

- to make it easy for anyone to make a complaint
- to solve problems as quickly as possible
- to prevent problems from happening again, and
- to encourage good practice

How to contact us with your complaint

You can contact the Council by telephone, in writing, or by email. A form is included with this document which you can fill in and send back to us: our contact details are on that form.

What we will do when we hear from you

We will deal with any complaints about the Council as quickly as possible.

We will investigate the complaint fully. We may be able to give you an answer straight away, or we may need more time to investigate what you have told us.

We will contact you within 20 working days of us hearing from you and either give you a full answer or a progress report and explain why we need more time to investigate further. We will also tell you when you can expect a full answer.

Your complaint will, in the first instance, be investigated by the Clerk of the Council. If you remain dissatisfied, then your complaint will be dealt with by the Council. If you have a complaint, we hope we will be able to find out what went wrong and take steps to make sure it won't happen again.

If your complaint is about the Clerk, the Chairman of the Council will contact you and carry out the initial investigation.

How will the Council deal with a complaint

If the Clerk has been unable to satisfactorily answer your complaint, your complaint will be dealt with at a meeting of the Parish Council. You will be invited to attend the meeting and to bring any representative if you wish.

Seven clear working days prior to the meeting, you are requested to provide the Parish Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Parish Council will provide you with copies of any documentation which it wishes to rely on at the meeting.

Procedure at the Meeting

The Council will consider whether the circumstances of the meeting warrant the exclusion of the press and public.

The Chairman will introduce everyone and will explain the procedure.

You, as the complainant, or your representative, will outline the grounds for complaint.

Members of the Council will ask questions of you or your representative.

If relevant, the Clerk will explain the Parish Council's position.

Members of the Committee will be able to ask questions of the Clerk to the Council.

The Chairman will summarise the Parish Council's position and then you will be offered the opportunity of summing up.

You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Council members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.

If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

You will then re-join the meeting to be advised of the decision of the Committee, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.

After the meeting

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

What to do if you are still not satisfied

The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.

Complaints not dealt with under this procedure

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. Below are examples of complaints which will require special consideration and where we may engage other procedures or bodies. If this is the case then we will advise you of this.

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission

Criminal activity	The Police
Member conduct	In England, if the complaint relates to a failure to comply with the Code of Conduct, this must be submitted to the standards committee of the relevant principal authority (Breckland District Council).
Employee conduct	Internal disciplinary procedure
Data Protection Breach	Information Commissioner's Officer https://ico.org.uk/for-organisations/report-a-breach/

Abusive, Persistent and Vexatious complaints

There may be occasions where a resident will persist in their cause. Whenever a complaint has been received which has been investigated previously and replied to, this will be deemed vexatious. Vexatious will be defined as manifestly unjustified, inappropriate or improper use of a formal procedure and/or has no reasonable foundation and/or is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to Parish Councillors or staff.

A complaint or a person making a complaint may be so patently unreasonable or persistent or objectionable that it or they will be obviously vexatious.

Parish Councillors and staff cannot be expected to tolerate unacceptable behaviour that is abusive, offensive or threatening. This will include:

- using abusive, aggressive and/or foul language in any form of communication;
- sending multiple letters or emails;
- leaving multiple voice-mails.

Complainants will be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- persists in pursuing a complaint where it has been fully investigated and full action has been taken within the Parish Council's procedures, but the complainant will not acknowledge or accept this;
- displays unreasonable demands or expectations and fails to recognise that these are unreasonable;
- have threatened a Councillor or the Clerk;

- have harassed or been personally abusive or verbally aggressive towards Councillors or the Clerk dealing with the complaint; this includes the use of foul or inappropriate language;
- refuses to accept that issues are not within the power of the Council to investigate, change or influence;
- changes the main issue of the complaint or continually raise new issues, especially while the original complaint is being addressed;
- are unwilling to accept documented evidence to support an adequate response;
- have caused persistent offence to a Councillor or the Clerk;
- raises repeat issues that have already been fully addressed;
- persists in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons;
- continues to challenge the Council for alleged wrongdoing without any cogent basis to do so;
- is pursuing a relatively trivial or highly personalised matter of little benefit to the residents of the Parish;
- pursuing a personal grudge;
- unreasonable persistence;
- unfounded accusations;
- intransigence;
- frequent or overlapping complaints, requests or communications;
- deliberate intention to cause annoyance;
- disproportionate effort is required to deal with a trivial matter;
- no obvious intent to obtain information;
- futile or frivolous requests;
- tone or content of the communication is objectionable, especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

Discretion will be used in applying the above criteria to identify persistent or vexatious complaints/complainants and in deciding the appropriate action to be taken.

Where complainants have been identified as persistent or vexatious in accordance with the above criteria, the Parish Council will consider if it wishes to suspend all contact with the complainant. Before doing so the Parish Council may decide to deal with the complainant in one or more of the following ways, as it may be worth considering whether a conciliatory approach could help before determining a complaint as vexatious:

- Specify how future contact will be maintained between the Council and the complainant;
- Notify the complainant that the Parish Council has fully responded to all issues and that continuing contact on the same matter will serve no purpose;
- Notify the complainant that continual changes in the nature of the complaint(s) will be dealt with as in the paragraph above.

The complainant will be notified in writing that they have been considered persistent or vexatious and that this sanction has been invoked as a last resort in order to conclude the matter(s).

Anonymous Complaints

Anonymous complaints will be disregarded.

Confidentiality

We will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned). Details will only be given to those members of staff directly concerned.

How to contact us

- **Step 1** – Contact the Parish Clerk. The Clerk's contact details are on the complaints form. Ask the Parish Clerk to forward a copy of the Parish Council's complaints procedure and complaints form, if you do not already have one. This can be sent to you as a hard copy or electronically. We will need to have your postal address or your email address to do this.

Briefly discuss your problem with the Parish Clerk as they may be able to redirect you to another authority, such as Breckland District Council, who may have the responsibility for your area of concern.

- **Step 2** - When you have the complaints form, complete it and return it to the Parish Clerk, either as a hard copy or by email.

Please complete all of the form giving us as much detail as possible about the concerns that you have. If you do not do this then it could result in loss of time to resolve your concerns.

- **Step 3** - We will get back to you within 20 working days of receiving your complaint.

Holme Hale Parish Council

Parish Clerk: Sheryl Irving. Tel: 01362 667756

holmehaleparishcouncil@gmail.com

Bay Tree Cottage, School Road, Brisley, Dereham. NR20 5LH

COMPLAINTS FORM

Name:

Address:

Email address:

Telephone number:

Please advise the nature of your complaint i.e. your reason for complaining; if you are complaining about a council member or council officer, please give their name. Please give the date when your complaint arose and any background information leading up to your complaint. You might also like to tell us what you consider should be done to resolve the matter. If you have any evidence concerning your complaint then please include this too together with any relevant times and dates.

(continue on a separate sheet if necessary)

Please sign and date this form and return to the Clerk at the contact details above.

Signed:

Date:

www.holmehaleparishcouncil.norfolkparishes.gov.uk