FULL SUTTON & SKIRPENBECK PARISH COUNCIL

COMPLAINTS PROCEDURE

The following procedure has been adopted by Full Sutton & Skirpenbeck Parish Council for dealing with complaints about the Council's administration or its procedures. The procedure does not cover complaints about the conduct of a Member of the Parish Council.

Before the Parish Council Meeting

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint. If the Councillor or Clerk cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the clerk and be assured that it will be responded to within 7 working days of receipt.

2. If a complainant prefers not to put the complaint to the Clerk, he or she shall be advised to put it to the Chairman of the Council.

3. The clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).

4(a) On receipt of a written complaint the Clerk or Chairman, as appropriate, shall (except where the complaint is about the Clerk), try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor. Complaints about the Clerk will be dealt with under the Council's employment policies and procedures. Where a member of the public wishes to complain about an individual councillor, they shall be referred to the local Standards Committee

(b) Where the chairman receives a written complaint about his or her own actions, he or she shall refer the complainant to the local Standards Committee. Where the Clerk receives complaint about his or her behaviour, he or she shall refer it to the Chairman or appropriate committee.

5. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

6. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.

7. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the

meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Parish Council Meeting

8. The Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the public and press but any decision on a complaint shall be announced at the council meeting in public.

9. The chairman should introduce everyone and explain the procedure.

10. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.

11. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.

12. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

13. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.

14. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them. The Council shall defer dealing with any written complaint **only** if it is of the opinion that issues of law or practice arise on which advice is necessary from the Association. This complaint shall be dealt with at the next meeting after the advice has been received.

After the Meeting

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

Handling Vexatious or Abusive Complaints

Most complainants behave in legitimate ways. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than genuinely to resolve a grievance.

The Council recognises that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the council. We acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.

It is not necessary to meet a complainant's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a complainant's

legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the complainant's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council need to address such behaviour.

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 and, whenever possible, the Vice Chairman and the Chairman of the Personnel Committee, 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 the 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;

* If a complaint is currently going through the council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;

* Closing the investigation into a complaint;

* Refusing to register and process further complaints providing the complainant with acknowledgements only;

* Banning a complainant from the Councils premises;

* Involving the police where the complainant is believed to have committed a criminal offence (harassment, assault or criminal damage), where assault is threatened, or the complainant refuses to leave council premises.

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.

There should never be a blanket ban for an unspecified period of time unless the Council are legally required to do so following a police investigation. The council should always try to maintain one form of contact which will normally be by way of conventional post (letter). In extreme situations the council will tell the complainant in writing that they must restrict contact to communication through a nominated advocate known and declared to be acting on their behalf.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents, our employees, councillors and co-opted members do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible.

Threatening and Abusive Complainants and Harassment

We do not expect staff or members 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.

This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the complainant should be asked to leave the premises.

All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

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.

Date Procedure adopted by Council: 17th July 2023

Signed Chairman: S Davies

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 recognise, 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.

* Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or Councillors with the objective of soliciting information for whatever purpose.

* 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.