

# Culmington Parish Council

## Complaints (Including Vexatious) Policy and Procedure.

Adopted by Council on: 7<sup>th</sup> February 2023

Review on: February 2026

### Complaints Policy

Culmington Parish Council recognises that from time to time there may be concerns expressed by members of the public over the activities of the Council or its employees. To address these issues the Council has adopted a procedure for handling complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint or have been unfairly treated in their dealings with the Council staff, the Council or its Committees. When the complaint suggests criminal activity, the police will be informed.

The Council will not disclose the identity, contact details or other personal information of a complainant unless consent is obtained from the complainant.

To make a complaint contact the Parish Clerk or Chair of Culmington Parish Council, Hopton Gate Cottage, Haytons Bent Ludlow SY8 2BE. Tel 07817607355. Culmingtonpc@gmail.com.

The Council is unable to investigate complaints against any of its members (ie councillors). Parish Councillors sign up to a Code of Conduct on taking office which adheres to the principles of public life. If you wish to submit a complaint for breach of the code, contact The Monitoring Officer, Shropshire Council, Shirehall Abbey Foregate Shrewsbury SY2 6ND or **claire.porter@shropshire.gov.uk**

### Complaints Procedure

#### Verbal Complaints

1. On receipt of a complaint by telephone or in person, the Clerk will try to satisfy the complainant immediately or as soon as is practicable or within 28 days.
2. If the Clerk is unable to answer the complaint immediately, then full details of the complaint together with the complainant's telephone number etc. will be recorded so that a further verbal response can be made as soon as possible or within 28 days
3. If a verbal response is unable to satisfy the complainant, then the Clerk will ask the complainant to put it in writing in order that it can be investigated more fully. 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.
4. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) they should be advised to write to the Chair.
5. 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.

#### Written Complaints

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1. On receiving a written complaint, the Clerk shall try to settle the complaint directly. If the complaint is about the behaviour of an employee or contractor of the Council, the Clerk will notify the person and offer the opportunity for comment on the matter to try and settle the complaint. If necessary, the Clerk will send a holding letter within 28 days to the complainant to allow further time to address the issues raised.
2. The Clerk or Chairman shall bring any written complaint which has not been settled to a meeting of the Council and the Clerk shall notify the complainant of the date of the meeting. The complainant will be offered the opportunity to explain the nature of the complaint at the meeting.
3. The Clerk shall consult with the Chairman and Vice-Chairman to consider whether the written complaint warrants discussion at a Council meeting in the absence of the press and public, with the decision on the complaint being communicated at the next Council meeting in public.
4. The Clerk will communicate in writing the decision that has been made by the Council and the nature of any action taken by the Council.

## Anonymous Complaints

It is at the discretion of the Clerk and/or Chair whether anonymous complaints are acted upon. Where the Clerk and/or Chair considers the complaint to be of a serious nature related to the actions of the Parish Council or its officers it will bring the matter to the next Parish Council meeting and record any decisions (but not personal details) in the minutes of the meeting.

## Complaints Against an Officer of the Council ie Clerk

1. Any complaint against an officer must be submitted in writing. If the complaint is against the actions of the Clerk, it should be submitted in writing to the Chairman and it will be considered as an employment issue and the Chairman will present the complaint to Full Council for consideration at a meeting held in the absence of the press or public.
2. The complainant may be invited to attend part of the meeting to explain the nature of their complaint in the absence of the press and public.
3. Persons mentioned in the complaint will have the opportunity to explain the nature of their actions to the meeting, in the absence of the public and press.
4. The general outcomes of any Council consideration of a complaint will be announced at a Council meeting in public.

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.

## Right of Appeal

Complainants have the right to appeal a decision which will be considered at a full council meeting.

## **Unreasonably Persistent and Vexatious Complaints Procedure**

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There are rare instances where a member of the public unnecessarily takes up a large number of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service.

The procedure below establishes what is considered to be acceptable levels of contact with the Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled. The Procedure must NOT be used to impede the ability of a customer to have reasonable access to services provided. For example, a customer will not be considered for classification under this Procedure for asking difficult questions. It should not be assumed that because a member of the public has submitted a large number of enquiries, they are vexatious or unreasonably persistent. In some cases, their persistence may be necessary to receive sufficient response from the Council.

## **Definitions of unreasonably persistent and vexatious behaviour**

Unreasonably persistent and vexatious complainers are those individuals who, because of the nature or frequency of their contacts with the Council hinder its ability to work effectively.

## **Actions and behaviours of unreasonably persistent and vexatious complainers**

These are some of the actions and behaviours which the clerk often finds 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 handling of the issues raised.

These behaviours can be:

- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Making excessive demands on the time and resources of staff with lengthy phone calls e-mails to the clerk/councillors or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the complainant insists make these 'new' issues.
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council.
- Adopting a violent or aggressive demeanour

## **Operating the procedure**

Any of the above behaviours may trigger the beginning of this process:

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1. The Clerk will contact the Chairman to discuss why the complainant's behaviour is causing concern and the Clerk may write to the individual clearly explaining the actions the Council may take if their behaviour does not change. In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of the Clerk/Councillors. This is a decision which will be taken by the Council. Examples of some options the Council may consider are:

Requesting contact in a particular format e.g. letters only

Requiring contact to take place with a single named person only.

Restricting telephone calls to specified days and times

Restricting the times a complainant may be in contact over a certain time period.

2. If a complainant's behaviour continues, or if the behaviour is extreme or a rapidly escalating case, the Clerk in conjunction with the Chair will decide as to the action to take. A letter will then be sent to the Complainant outlining the decision. All letters will include:
  - Why the decision has been taken;
  - What action will be taken;
  - The duration of that action;
  - The date of review for the action, if required.
  - Details around the complainant's right of appeal against the decision to apply the procedure.
3. The decision made, and all correspondence sent in relation to it, will be recorded by the Clerk.
4. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Clerk/Councillors, other options will be considered; for example, reporting the matter to the Police or taking legal action.

## **Right of appeal**

Complainants have the right to appeal the application of the decision. All appeals will be examined by the Chairman or by Full Council if the Chairman was involved in the original decision to invoke this procedure.