



Complaints and Vexatious Policy

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INTRODUCTION

A complaint is any expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Town Council, or its staff, which affects the individual, customer, or group of customers. The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Code to ensure that complainants are properly and fully considered.

This complaints procedure will deal with matters of maladministration, which is defined as if the Town Council does something the wrong way, fails to do something it should do, or does something it should not do. Some examples include:

- neglect or unjustified delay responses
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice, or conduct.

The Town Council does not consider formal complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by Newark and Sherwood District Council's Monitoring Officer.

All other complaints should be addressed to the Town Clerk and will be dealt with promptly to maintain public confidence. Should the complaint be in regard to the Town Clerk, it should be addressed to the Leader.

A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

What the complaints procedure will not deal with:

- complaints for which there is a legal remedy or where legal proceedings already exist

- complaints about employment matters – the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

Anonymous complaints should be referred to the Town Clerk, and may be dismissed at their discretion, according to the type and seriousness of the allegation.

Data Protection Act 2018 must be complied with when dealing with a complaint and the complainant's personal details. By making a formal complaint with the Town Council, individuals are deemed to be giving consent for their personal data to be used in accordance with the Data Protection Act 2018 and the Town Council's Information and Data Protection Policy. Personal information provided will only be used for the purpose for which it has been given and may be shared with a third party if the Town Council deems that it will assist in resolving the issue raised.

INFORMAL COMPLAINTS

The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged. An informal complaint is made to the Town Clerk **either verbally or in writing**, who will consult with the complainant and relevant members/officers to seek resolution. Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint. Should, in the opinion of the Town Clerk or Leader, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.

The Town Clerk shall maintain logs of informal complaints about staff and the council. There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action, or explaining a decision.

FORMAL COMPLAINTS

Where possible, the Town Council would wish to solve any complaint informally prior to

a formal complaint being lodged. All formal complaints should be **submitted in writing** and shall be acknowledged within **14 days**. Complainants shall be provided with routine updates on the progress of investigating ongoing complaints.

A customer may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the appropriate officer to investigate.

Timescales	Investigation completed 14 working days or Progress Reports issued 14 working day intervals
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Formal Complaints about Councillors

The Town Council does not consider formal complaints about its members. Members are required to comply with an adopted Code of Conduct. A formal complaint about a member should be addressed to the Monitoring Officer of Newark and Sherwood District Council who will arrange the investigation of the complaint. NSDC has its own policies for dealing with such complaints.

The contact details for the Monitoring Officer are:

The Monitoring Officer

Castle House, Great North Road, Newark, Notts, NG24 1BY

monitoringofficer@newark-sherwooddc.gov.uk.

Formal Complaints about Officers/Employees

Formal complaints about an employee of the Town Council must be made in writing to the Town Clerk setting out the reasons for the complaint and providing any

supplementary information that will assist an investigation. Complaints will be referred to the appropriate Line Manager and be processed in accordance with the council's disciplinary policy. Complaints about the Town Clerk must be made in writing to the Leader, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

The complainant will be informed that the complaint will be progressed under the council's disciplinary policy and at the end of that process will receive a response to the complaint.

Formal Complaints about the Council, Committees or Decisions

Complaints about the activity or decisions of the council should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated. The council will only consider complaints about its formal (council/committee) decisions where the complainant puts forward missing information or evidence to suggest that the council has erred in its decision making.

The complaint shall first be considered by the Town Clerk, Leader and Chairman of the relevant committee who shall seek to resolve the issue or explain the background to the decision. The panel may escalate the complaint to the appropriate committee or Full Council should they consider they are unable to resolve it.

Should the complainant be dissatisfied with the response from the panel, the panel may, at its discretion, refer the complaint to the appropriate committee or Full Council where the complainant will be invited to address the meeting. If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Town Clerk who will review the complaint. This must be done within four weeks of the reply.

Timescales:

Investigation completed 14 working days or

Progress Reports issued 14 working day intervals

If the issue remains unresolved, the complainant should be notified of their right to have the matter referred to a panel to consist of any three councillors with no prejudicial interest. This must be done **within four weeks** of the Town Clerk's reply. The outcome of all formal complaints dealt with by the Complaints Panel will be reported to the Full Council.

Timescales:	Panel convened within 14 working days
	Investigation completed 14 working days thereafter or
	Progress Reports issued 14 working day intervals

Records shall be kept detailing all complaints, actions undertaken and the outcome.

VEXATIOUS COMPLAINTS

A vexatious complainant is one who persists unreasonably with their complaints or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly. 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.**'

If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information. If a complainant is to be classified as vexatious they shall be informed so and given a timescale of how long this will remain the case. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.

This policy intends to assist in identifying and managing persons who seek to be disruptive to the Town Council, elected Members and members of staff through pursuing an unreasonable course of conduct. In cases of abusive, persistent, or vexatious complaints against a member of staff, this policy will work in conjunction with the Town council's Dignity at Work Policy. The term complaint in this policy includes requests made under the Freedom of Information Act 2000 the Data Protection Act 2018 and the General Data Protection Regulations 2018 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

Habitual or vexatious complainants 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 both 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 be done to assist or to rectify a real or perceived problem.

The 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.

Habitual or Vexatious Complainants.

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

The repeated and/or obsessive pursuit of: -

- unreasonable complaints and/or unrealistic outcomes

- reasonable complaints in an unreasonable manner
- reasonable/unreasonable complaints made habitually (multiple times)

Prior to considering its implementation, the Council will send a summary of this policy to the complainant to give them prior notification of its implementation. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out below, the Town Council will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. The Town Clerk, as a responsible officer, will notify, on behalf of the Town Council the complainant, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. Newark and Sherwood District Council will also be informed that a constituent has been designated as a habitual or vexatious complainant. 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.

Newark Town Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Town Council, hinder the Town 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 such as:

- The way in which, or frequency with which, complainants raise their complaint with staff or how complainants respond when informed of the Town Council's decision about the complaint.
- 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 they do 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 complaint's 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 Town 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, telephone calls, e-mails or other social media communications).
- Harass or verbally abuse or otherwise seek to intimidate staff 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
- 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 considered and commented on.

Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.

- Deny statements made at an earlier stage in the complaint process
- Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved
- Adopts an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Town Council but at the same time with, for example, a Member of Parliament, other Councils, elected Members of this and other Councils, the Town Council's Independent Auditor, the Monitoring Officer, the Police 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, with minor differences, after the complaint's procedure has been concluded and insist that the minor differences
- Make these 'new' complaints which should be put through the full complaint procedure
- Persistently approach the Town Council through different routes about the same issue
- Persist in seeking an outcome that which Town 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 a historic and/or irreversible decision or incident

- Combine some or all of these features

Imposing Restrictions

Newark Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure. In the first instance the Town Clerk will consult with the Town Council prior to issuing a warning to the complainant. The Town Clerk will contact the complainant in writing, or by email, 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.

If the disruptive behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising them that how they will be allowed to contact the Town Council in future will be restricted. The Town Clerk will make this decision in consultation with the Town Council and inform the complainant in writing of what procedures have been put in place and for what period. 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 that the restriction will be in place for. In most cases, restrictions will apply for between 3 to 6 months, but in exceptional cases, this may be extended. In such cases, the restrictions would be reviewed on a quarterly basis.

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 individual and / or all Council Officers and insisting they only correspond by letter
- Requiring contact to take place with one named member of staff only
- 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 Newark Town Council will not reply 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).

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

- Why the decision has been taken
- What action is being taken
- The duration of that action

The Town Clerk will enclose a copy of this policy in the letter to the complainant. Where a complainant continues to behave in an unacceptable way, the Town Clerk, in consultation with the Town Council, may decide to refuse all contact with the complainant and stop any investigation into the complaint. Where the behaviour becomes extreme (i.e. constantly repeated) or it threatens the immediate safety and welfare of staff, 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.

New Complaints (from complainants who are treated as abusive, vexatious, or persistent). New complaints from people who have come under this policy will be treated on their merits. The Town Clerk and the Town Council 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 is ignoring genuine service requests or complaints where they are founded. The fact that a complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on Council's contact with them, will be recorded and notified to those who need to know within the Council.

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk, and the Town Council, after three months, and at the end of every subsequent three months within the period during which the policy is to apply.

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

- When the restriction came into force and ends
- What the restrictions are
- When the person and Council were advised

The Town Council will be provided with an annual report giving information about members of the public who have been treated as vexatious/persistent as per this policy. Any appointed sub-committee (the Complaints Committee) will consist of the Leader, Chairman and four other Councillors.

Informal Complaint



B – Formal Complaints



C - Formal Complaint about Member of Staff



D - Formal Complaint about Council



Complaints form

Date	
Name	
Address	
Postcode	
Daytime phone number	
Evening Phone number	
Nature of Complaint - please give details of:	
1. What you wish to complain about to the parish council?	
2. When & where the situation took place including if possible details such as time, day, date & location?	
3. The names & if possible contact details of any others involved?	

4. In your opinion, what action or decision would resolve the matter?	

To register a complaint, please complete & return this form with any other information you wish to provide to support your complaint to;

Newark Town Council,

Royal Market Place,

Newark.

NG24 1DU

Please continue your comments on a separate sheet if necessary