PLUMSTEAD PARISH COUNCIL
Vexatious Complaints Policy

1 Introduction

1.1 The Parish Council is committed to providing a high-quality service to all residents. All communications from residents are welcomed as an opportunity to identify areas in which the Parish Council can make continuous improvements.

1.2 The Parish Council has established its aims in this respect as ensuring all residents:

- Have ease of access to all members of the Parish Council, to express their views and receive appropriate help with differential needs;
- Are confident their concerns are taken seriously;
- Receive replies to their communication by the most effective method, whether this is via a letter, email, telephone call, meeting at an agreed venue or any combination of these channels of communication;
- Are treated fairly and without discrimination;
- Are made aware that confidentiality is maintained in accordance with the Data Protection Act.

2 Definition of a complaint

2.1 A complaint will be defined as an expression of dissatisfaction with:

- The standard of service, action or lack of action or decision taken by the Parish Council; and / or
- The way in which the Parish Councillor, staff or representative has carried out their duties.

2.2 An initial complaint does not have to be in writing. A resident may make a complaint in person, over the telephone or by any other channel. However, to ensure it is dealt with properly and appropriately the complainant will be asked to put it in writing, by letter or email.

3 How the complaint will be dealt with

3.1 A complaint will be considered justified where the Parish Council, after investigation, upholds the resident's complaint. This may be:

- When a resident expresses dissatisfaction at the Parish Council's failure to meet standards of service or delivering to agreed time scales;
- The Parish Council has failed to respond to the resident's original problem or request;
- A member of staff has not carried out their duties to an acceptable standard or with appropriate courtesy;
- The Parish Council has not treated the resident fairly without discrimination.

3.2 A complaint will be considered unjustified where the issue relates to Council policy i.e.

- The Parish Council has met the agreed standard but the resident believes that the agreed standards are unacceptable;
- The Parish Council responded within the timescales quoted but the resident feels it should have been done sooner;
- The facts of the issue are not as the complainant states;
- Concerns a disagreement, or refusal to accept, a lawful discretion that the Parish Council is applying;
- Complaints and / or comments regarding Parish Councillors;
- The complaint is made anonymously.

3.3 The Parish Council will endeavour to respond to the complaint within 28 working days. This response may be:

- An apology;
- An explanation of what went wrong;
- A remedy or corrective action that aims to put right what has gone wrong;
- Advice to the resident complainant about referral to another stage if the resident disagrees with the outcome contained within the full response.
- An invitation to attend the next Council meeting to voice their concerns

3.4 Even where a complaint is not justified, the Parish Council may recognise where the resident has a genuine sense of grievance and may contact the resident with a full response.

4 Meeting procedure for complaint

4.1 Before the meeting

- The complainant should complain in writing to the Clerk or the Chairman of the council. Complaints may initially be made by telephone but should be followed up in writing. Assistance should be given to the complainant if necessary
- The complainant should be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure should also be given to the complainant.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

4.2 At the Council Meeting or Committee Meeting

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the Chair and / or Councillor and then from members if present.

- The Chair / Councillor should explain the Council's position before any questions from the complainant, and from members if present.
- The complainant and the Chair / Councillor should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

4.3 After the meeting

- The decision should be confirmed in writing within seven working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

4.4 Appeals

- Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration as at 4.2.
- The appellant should be notified of the result of the appeals process within fourteen days.

5 Abusive, persistent and vexatious complaints

5.1 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.

5.2 A complaint or a person making a complaint may be so patently unreasonable or persistent or objectionable that it or he/she will be obviously vexatious.

5.3 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.

5.4 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.

5.5 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.

5.6 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.
- If the complaints do not cease following all of the actions of the Council above then the complainant will be asked to address all correspondence to

the Chairman of the Council only. Any further correspondence to the Clerk at this point will be blocked.

5.7 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).