GREAT WAKERING PARISH COUNCIL

**Complaints Policy**

Great Wakering Parish Council is committed to providing a quality service for the benefit of the people who live, work in or are visitors to Great Wakering. If you are dissatisfied with the standard of service you have received from this Council, this complaints policy sets out how you may complain to the Council and how we shall try to resolve your complaint.

This complaints procedure applies to complaints about council administration and

procedures and may include complaints about how council employees have dealt with your concerns.

This complaints procedure does not apply to:

Complaints by one council employee against another council employee, or between a council employee and the Council as employer. These matters are dealt with under the Council’s disciplinary and grievance procedures.

Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council and, if a complaint against a councillor is received by the Council, the complainant will be referred to the Monitoring Officer of Rochford District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Rochford District Council.

Complainants who have been referred to or used another appeal process such as the Information Commissioner for example, will not have their complaint considered by the Council as the alternative appeal process will be considered the final decision.

Complainants who have previously submitted a complaint shall not have their complaint re-investigated.

The complaints process must be initiated within 60 days of the action complained of, complaints shall not be investigated by the Council once this time limit or any other time limit specified in this policy has expired.

Anonymous complaints or those with fictional details will not be considered.

The complaint must relate directly to the complainant, third party complaints will not be considered unless submitted under an active Power of Attorney (evidence of same must be provided to the Clerk).

The Council will consider the implications of the Data Protection Act, General Data Protection Regulation and any other relevant caselaw or statute as appropriate when dealing with complaints.

Procedure

You should make your complaint about the Council’s procedures or administration in the first instance to the Clerk. You may do this either in person, by phone, or by writing to or emailing the Clerk. All complaints will be regarded as informal unless marked “formal complaint”, formal complaints are accepted in writing only. Contact information is set out at the end of this policy. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will acknowledge your complaint within five working days.

Should a suitable solution not be agreed you may make your complaint, within 20 days from the Clerk’s response, directly to the Chairman of the Council. The Clerk and the Chairman may investigate each complaint, obtaining further information as necessary from you and/or from Officers/staff or Members of the Council or they may decide to refer the matter to Full Council or advise the complainant to refer the matter to Full Council.

The Clerk or the Chairman of the Council will notify you within 20 working days of the

outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working day timescale may have to be extended, this may be to take legal advice for instance. If it is, you will be kept informed).

If you are still dissatisfied with the response to your complaint or if you have been advised by the Clerk or Chairman that this is the recommended form of action, you should write to the Council with your complaint within 30 days. The summaries of both parties will be put to Full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your complaint. This decision is final.

Dealing with Habitual or Vexatious Complainants

Where complaints have been identified as habitual or vexatious in accordance with the criteria set out in the attached definition, the Council will determine what action to take. It will implement such action and will notify complainants, in writing, of the reasons why their complaint has been classified as habitual and/or vexatious and the action that will be taken. For completeness, this notification will be copied to all Members and may be copied to any others involved, for example (but not limited to) other councils, partnership organisations, contractors, Members of Parliament.

A record will be kept, for future reference, of the reasons why a complaint has been classified as habitual or vexatious.

The Council may decide to deal with habitual or vexatious complaints in one or more of the following ways:

• In letter, setting out a code of commitment and responsibilities for the parties involved if Great Wakering Parish Council is to continue processing the complaint. 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, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named Officer will be nominated to maintain contact. The complainant will be notified of this person.

• Notify the complainant, in writing that the Council has responded fully to the points raised and has tried to resolve the complaint 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, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

• Inform the complainant that in extreme circumstances the Council reserves the right to seek legal advice on unreasonable or vexatious complaints.

• Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual and/or vexatious, while

 seeking advice or guidance from its solicitor or other relevant agencies.

Withdrawing Habitual or Vexatious Status

Once a complainant has been determined to be habitual and/or vexatious, their status will be kept under review and monitored by the Clerk. If a complainant subsequently demonstrates a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate their status will be reviewed.

As was the case in originally identifying a complaint as habitual or vexatious, staff will use the same discretion in recommending that this status be withdrawn when appropriate. Where this appears to be the case, discussion will be held with the Council and subject to their approval, normal contact with the complainant will then be resumed. The Council will advise the complainant in writing of the change of status.

Definition of a Habitual or Vexatious Complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet two or more of the following criteria:

Where complainants:

1. Persist in pursuing a complaint where the Council’s Complaints Procedure has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.)

3. Are repeatedly unwilling to accept documented 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.

4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.

 6. Have threatened or used physical violence towards staff at any time - this will,

 in itself, cause personal contact with the complainant and/or their

 representatives to be discontinued and the complaint will, thereafter, only be

 continued through written communication. All such incidences will be

 documented and reported to the police.

 **Great Wakering Parish Council has determined that any complainant**

 **who harasses, threatens or uses actual physical violence towards staff**

 **will be regarded as a vexatious complainant and will receive written**

 **confirmation of the same from the Council. This will also inform the**

 **complainant of the action to be taken with regard to any further**

 **communications received.**

7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council - placing unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.

8. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

10. Make unreasonable demands on the customer/complainant relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council’s Complaints Procedure or normal recognised practice for example time limits set out in the Freedom of information Act.

Contact: Clerk to the Council, Council Offices, Little Wakering Hall Lane, Great Wakering, Essex, SS3 0HH. Tel: 01702 219343.

Email enquiries@greatwakering-pc.gov.uk