



**GREAT  
SANKEY**  
PARISH  
COUNCIL

# Complaints Policy

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## 1. Executive Summary

Great Sankey Parish Council aims to operate in a way that is open, transparent and fair, and to provide efficient and appropriate services to the community of Great Sankey.

This policy covers complaints made against individuals, either Councillors or Parish Council staff or about the administration of the council or its procedures.

## 2. Definition

A complaint is any expression of dissatisfaction about the standard of service, actions or lack of action by the Parish Council, individual councillors or its staff.

Great Sankey Parish Council takes complaints seriously and aims to put things right if there has been an error and learn lessons to avoid the problem happening again.

## 3. Complaint Procedures

Great Sankey Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

### 3.1 Complaints about Parish Council Employees

Complaints about an employee of the council will be addressed through the council's Disciplinary & Grievance Procedure.

### 3.2 Code of Conduct Complaints about Councillors

Code of Conduct complaints about councillors are subject to the jurisdiction of the Monitoring Officer at Warrington Borough Council. Complainants will be advised to contact the appropriate body directly or the Monitoring Officer for further information and will be given the relevant contact information to do so.

### 3.3 Complaints about the Parish Council

#### 3.3.1 Informal Procedure

Complaints made to the Council either in person, by telephone, letter or email should be forwarded to the Clerk at the Parish Office. Great Sankey Parish Council receives queries, problems and comments as part of its day to day running and it is not appropriate to deal with every minor issue as a formal complaint, unless the complainant wishes to make a formal complaint directly. The Clerk will try to resolve the issue informally in the first instance and may liaise with the appropriate council officer or Chair of the council before providing a response to the complainant.

If the complainant is not satisfied with the initial response, they may take the matter further and will be asked to submit a formal complaint in writing to the Parish Office.

#### 3.3.2 Formal Procedure

Formal complaints should be made in writing to the Parish Office addressed to the Clerk or Chair of the Council. The complaint should cover as much detail as possible and include any supporting documentation if appropriate.

- The Clerk shall acknowledge receipt of the complaint within 7 working days and advise the complainant that the matter will be referred to the next meeting of the Parish

Council when a committee will be established for the purposes of hearing the complaint.

- The membership of the committee will be open to any Councillor, avoiding as far as possible any Councillor involved in the complaint.
- The complainant will be told the date of the next Parish Council meeting and that the Committee, when set up, will deal with the complaint within the 20 working days following its establishment.
- The complainant shall be invited to attend the relevant meeting of the committee and bring with them such representative as they wish.
- 7 clear working days prior to the meeting, the complainant shall provide the committee with copies of any documentation or other evidence which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.
- The committee should report its conclusions to the next full council meeting after the case has been dealt with.

#### **4. Repeated or vexatious complaints**

This sets out guidance and procedures to help deal with people who repeatedly complain to the Council or who complain in an unreasonable way. The guidance explains how to decide if a complaint should be classed as habitual or unreasonable and how to record and deal with such complaints.

It is recognised that complainants can use repeated FOI or Subject Access Requests as a means of perpetuating a complaint which has been determined and therefore the term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 as well as those made under the Council's complaints procedure.

This policy is intended to assist in identifying and dealing with persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

##### **4.1 Definitions**

- Habitual complaint: the term habitual means 'done repeatedly or as a habit'.
- Vexatious complaint: the vexatious means 'irritating, annoying or causing distress'
- For the purpose of this policy the following definition of habitual or vexatious complainants will be used: "The repeated and/or obsessive pursuit of: (i) unreasonable complaints and/or unrealistic outcomes; and/or (ii) reasonable complaints in an unreasonable manner."

##### **4.2 Criteria**

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 any of the following criteria:

Where complainants:

1. Persist in pursuing a complaint where the Council's complaints process 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 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 separately.
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 the reasonable efforts of staff 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 matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used in applying this criterion.
6. Have threatened verbally or used physical violence towards Councillor and/or employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. A complainant who threatens either verbally or in writing or uses actual physical violence towards a Councillor and/or an employee will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made. It should also be noted that the Parish Council in consultation with the affected individuals will refer any actual or threatened verbal or physical abuse to the Police for investigation.
7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on Councillors and employees. A contact may be in person, by telephone, letter, email or fax or any other means. excessive contact will be determined taking into account the specific circumstances of each individual case.
8. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
9. Make unreasonable demands on the Council 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.
10. Make repetitive complaints and allegations which ignore the replies which have been supplied in previous correspondence.
11. Make unreasonable complaints which impose a significant burden on the resources of the Council and where the complaint:

- clearly does not have any serious purpose or value.
- is designed to cause disruption or annoyance;
- has the effect of harassing the Council;
- can otherwise fairly be characterised as obsessive or manifestly unreasonable

#### 4.3 Considerations prior to action

Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. It is in effect the complainant simply refusing to take no for an answer, and the Council has the option of ending all communication with the complainant, and where appropriate referring the complainant to the Ombudsman.

The decision to designate someone as a habitual and vexatious complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied Councillors should be satisfied that:

- the complaint is being or has been investigated properly.
- any decision reached on it is the right one.
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint or that the way in which the complainant has acted is unreasonable.

#### 4.4 Options for dealing with Habitual or vexatious complaints

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing one or more actions as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named person will be nominated to maintain contact. The complainant will be notified of these persons.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but 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 habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
3. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking advice or guidance from its legal advisers or other relevant agencies. This temporary suspension of contact may include the blocking of e-mails from the complainant to those who may have been subjected to harassment.

#### **4.5 Process to be followed for habitual and vexatious complaints**

##### **Stage 1.**

Where complaints continue and are considered to be habitual or vexatious in accordance with the criteria set out in Section 4.2, the Clerk or Chairman will inform the individual informally that his/her behaviour is considered by the Council to be unreasonable or unacceptable and request a changed approach.

##### **Stage 2.**

After taking into account the considerations set out in Section 4.3 and if there is no improvement in behaviour the Council will consider the matter, and, if considered necessary, will inform the complainant in writing that his/her behaviour falls under the terms of the Habitual and Vexatious Complaints policy. A copy of the policy will be sent to the individual with a letter giving details of any restrictions which will apply. Section 4.4 details the options available for dealing with such complainants. The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint made in an acceptable manner will always be considered. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

##### **Stage 3.**

Where there is dispute about action taken or not taken by the Council the complainant may refer the matter to the Local Government Ombudsman.