

Slyne with Hest Parish Council

Complaints Policy A

Adopted in February 2025. Policy A is an updated complaints policy, and policy B is a Vexatious Policy. Minute reference 3556d.

1. Slyne with Hest Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

3. This Complaints Procedure does not apply to:

3.1. 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.

3.2. **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, it will be referred to the Standards Committee of Lancaster City Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Lancaster City Council.

4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.

6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the full council.

8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

9. 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 days timescale may have to be extended. If it is, you will be kept informed.)

10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Complaints Committee of the Parish / Community Council or to the full Council (as appropriate) and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Contacts

The Clerk of Slyne with Hest Parish Council

Address: The Memorial Hall, Hanging Green Lane, Slyne, Lancaster LA2 6JB

Telephone: 07767 628 999

Email: Clerk@slynewithhest-pc.gov.uk

The Chairman of Slyne with Hest Parish Council

Address: The Memorial Hall, Hanging Green Lane, Slyne, Lancaster LA2 6JB

Telephone: 07593 958 150

Email: Antony.Obertelli@slynewithhest-pc.gov.uk

Complaints Policy B

Slyne with Hest Parish Council

Policy for Dealing with Abusive, Persistent, or Vexatious Complaints and Complainants

1. Introduction

1.1 This policy identifies situations where a complainant, either individually or as part of a group, might be considered habitual or vexatious. The following clauses form the Council's policy for responding to these situations.

1.2 In this policy, "habitual" means done repeatedly or as a habit. "Vexatious" is recognized in law and means an action brought without sufficient grounds, purely to cause annoyance. This policy helps identify and manage persons who seek to disrupt the Council through unreasonable conduct.

1.3 The term "complaint" includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998. References to the Complaints Procedure should be interpreted accordingly.

1.4 Habitual or vexatious complaints can be problematic for Council staff and members, consuming significant time and resources. While the Council responds with patience and sympathy, there are times when nothing further can reasonably be done to assist or rectify a problem.

1.5 Legitimate queries or criticisms of a complaints procedure should not lead to someone being regarded as vexatious or unreasonably persistent. Similarly, a complainant unhappy with the outcome of a complaint should not necessarily be labelled vexatious or unreasonably persistent.

1.6 The aim of this policy is to ensure all complainants are dealt with consistently, fairly, and reasonably.

2. Habitual or Vexatious Complainants

2.1 Definitions:

- The repeated and/or obsessive pursuit of unreasonable complaints and/or unrealistic outcomes.
- The repeated and/or obsessive pursuit of reasonable complaints in an unreasonable manner.

2.2 Before implementing this policy, the Council will send a summary to the complainant to notify them of its possible implementation.

2.3 If complaints continue and are identified as habitual or vexatious, the Clerk and Chairperson will seek agreement to treat the complainant as such. Section 4 details the options available for dealing with these complaints.

2.4 The Clerk, on behalf of the Council, will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. District/County/Unitary Councillors will also be informed.

2.5 The status of the complainant will be kept under review. If a complainant demonstrates a more reasonable approach, their status will be reviewed.

3. Definitions

3.1 Slyne with Hest Parish Council defines unreasonably persistent and vexatious complainants as those who, because of the frequency or nature of their contacts with the Council, hinder the 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.

3.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complaint.

3.3 Features of an unreasonably persistent and/or vexatious complainant include (but are not limited to):

- Having insufficient or no grounds for their complaint and making the complaint only to annoy (or for reasons not admitted or made obvious).
- Refusing to specify the grounds of a complaint despite offers of assistance.
- Refusing to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of the complaints policy and procedure despite being provided with information about the scope of the policy and procedure.
- Refusing to accept that issues are not within the power of the Council to investigate, change, or influence.
- Insisting on the complaint being dealt with in ways incompatible with the complaints procedure or good practice (e.g., insisting there must not be any written record of the complaint).
- Making groundless complaints about the staff dealing with the complaints and seeking to have them dismissed or replaced.
- Making an unreasonable number of contacts with the Council, by any means, in relation to a specific complaint or complaints.
- Making persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained (e.g., insisting on immediate responses to questions, frequent and/or complex letters, faxes, telephone calls, or emails).
- Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint, using foul or inappropriate language, or using offensive and racist language, or publishing their complaints in other forms of media.
- Raising subsidiary or new issues while a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introducing trivial or irrelevant new information while the complaint is being investigated and expecting this to be taken into account and commented on.

- Changing the substance or basis of the complaint without reasonable justification while the complaint is being addressed.
- Denying statements made at an earlier stage in the complaint process.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- Adopting a ‘scattergun’ approach, pursuing a complaint or complaints not only with the Council but also with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council’s Independent Auditor, the Standards Board, the Police, other public bodies, or solicitors.
- Refusing 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.
- Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insisting that the minor differences justify a new complaint.
- Persistently approaching the Council through different routes or other persons about the same issue.
- Persisting in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons.
- Refusing to accept documented evidence as factual.
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Combining some or all of these features.

4. Imposing Restrictions

4.1 The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

4.2 In the first instance, the Clerk will consult with the Chair and Vice Chair of the Council before issuing a warning to the complainant. The Clerk will contact the complainant in writing or by email to explain why their behaviour is causing concern, ask them to change this behaviour, and outline the actions the Council may take if they do not comply.

4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that their contact with the Council will be restricted. This decision will be made in consultation with the Chair and Vice Chair of the Council, and the complainant will be informed in writing of the procedures put in place and for what period.

4.4 Any restriction imposed on the complainant’s contact with the Council will be appropriate and proportionate. The complainant will be advised of the period over which the restriction will be in place. In most cases, restrictions will apply for three to

six months, but in exceptional cases, this may be extended. Restrictions will be reviewed quarterly or at the next Full Council Meeting.

4.5 Restrictions will be tailored to 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 individuals and/or all Council Officers and insisting they only correspond by postal 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.
- Informing the complainant that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (a designated member of staff will be identified to read future correspondence).

4.6 When the decision has been made to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

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

4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.

4.8 If the complainant continues to behave unacceptably, the Clerk, in consultation with the Chair of the Council may decide to refuse all contact with the complainant and stop any investigation into their complaint.

4.9 If the behaviour is extreme or threatens the immediate safety and welfare of staff, other options will be considered, such as reporting the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

5. New Complaints from Complainants Who Are Treated as Abusive, Vexatious, or Persistent

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk and the Chair of the Council will decide whether any previously applied restrictions 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.

5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on the Council's contact with them, will be recorded and notified to those who need to know within the Council.

6. Review

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

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

7. Record Keeping

7.1 The 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, or any other person who aids the complainant.
- When the restrictions came into force and end.
- What the restrictions are and when the person and Council were informed.

These policies have been put together using a mixture of model policy documents from SLCC and the adaption of Vexatious Policy documents used by other parish and town councils.

Policy A - This model document is supplied by SLCC © Copyright 2019. Policy B – has been adapted by the Clerk to fit the needs of Slyne with Hest Parish Council.