# Repton Parish Council Complaints Procedure

The following procedure will be adopted for dealing with complaints about the Council’s administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

This procedure does not cover complaints about the conduct of a Member of the Parish Council.

If a complaint about procedures, administration or the actions of any of the Council’s employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

The complainant will be asked to put the complaint in writing by letter or email addressed to the Clerk to the Council at Repton Parish Council, Repton Village Hall, Askew Grove, Repton, Derbyshire, DE65 6GR or email: clerk@repton-pc.gov.uk.The complainant must advise a postal address or email address that they wish to receive responses too. The complaint will be dealt with within 28 days of receipt. If it is not possible to resolve the matter within 28 days the complainant shall be advised of the reason for the delay and notified of the date by which the complaint will be determined. All complainants will be asked if they wish their complaint to be treated confidentially.

If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she shall be advised to write to the Chair.

On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts shall be made to resolve the complaint at this stage.

Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk’s actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.

The Clerk to the Council (or Chair) will report any complaint that has not been resolved, within 28 days of the written complaint being received by the Chair or Clerk, to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally, with the option of bringing a friend when doing so.

Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, will be dealt with in accordance with the Council’s grievance and disciplinary procedures.

The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the next Council meeting in public.

The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council’s maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council’s auditor on the propriety of such a payment.

As soon as possible after the decision has been made, and in any event within 10 days of the meeting of the Council, the complainant will be notified in writing of the decision and any action to be taken.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

The complainant has no right of appeal.

# DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

This section of the policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be ‘habitual or vexatious’ and ways of responding to these situations.

Definitions

The term HABITUAL means ‘done repeatedly or as a habit’. 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’: in the Parish Council context it means acting to cause annoyance to the Council, individual members of the Council, members of staff or of a misogynist nature.

Definition of a habitual or vexatious complainant or 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 one 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 documentary evidence given as being factual or deny receipt of an adequate response despite 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 criterion.
6. Have, during addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter or e-mail. 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.
7. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.
8. Are known to have recorded meetings or face to face/ telephone conversations without the prior knowledge and the consent of other parties involved.
9. Make unreasonable demands on the customer/Council 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. Procedures for dealing with habitual or vexatious complainants; If a complainant has threatened or used physical violence towards staff or members at any time – this will, 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 instances will be documented.

Courses of Action

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chairman and Vice Chairman of the Council will as appropriate take one or more of the following courses of action: -

1. The complainant will be notified in writing why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council’s normal complaints procedure and what steps to follow if that is appropriate.
2. The complainant will be notified, 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 that 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.
3. The Council will decline further contact with the complainant, either in person, by telephone, by letter or by e-mail or by any other means.
4. The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
5. The Council will suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.
6. The Clerk and the Chairman of the Council may invite the complainant to meet with them to discuss the matter.
7. The complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further.
8. The Council will be notified of vexatious or habitual complainants.
9. Withdrawing habitual or vexatious status once a complainant has been determined to be habitual and /or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

## Review of Complaints Procedure

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| **Version Number** | **Date of Review** | **Revisions Made** | **Date of Next Review** |
| 1 | 12th November 2018 | Review | March 2020 |
| 1a | March 2020 | Updated office address | March 2021 |
| 1b | March 2021 | No alterations needed | March 2022 |
| 1c | March 2022 | Updated to allow complaints via email | March 2023 |
| 2 | June 2022 | Addition of vexatious or habitual complaints | June 2023 |
| 2a | February 2023 | Minor wording changes | February 2024 |
| 2b | March 2024 | No alterations needed | March 2025 |