



Harrold Parish Council Complaints Procedure May 2018

Adopted at the Parish Council meeting of 09 May 2018

COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL

Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
12. The complainant should be informed that the decision will be confirmed to them in writing within seven working days. The council reserves the right to inform the complainant of the decision in person immediately, but this will be on an exceptions basis.

After the Meeting

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

COMPLAINTS AGAINST INDIVIDUAL COUNCILLORS

Such complaints breaching the Parish Council's Code of Conduct should be reported by the complainant to the Monitoring Officer at Bedford Borough Council.

UNREASONABLY PERSISTANT OR VEXATIOUS COMPLAINTS

The procedure will not be used to impede the ability of anyone to have reasonable access to services provided, nor will it be assumed that because a customer/complainant has submitted a large number of enquiries they are vexatious or unreasonably persistent. In some cases, their persistence may be necessary to receive sufficient response from the Council.

Unreasonably persistent and vexatious complainants are those individuals who, because of the nature or frequency of their contacts with the Council hinder our ability to effectively deliver services to our customers. Some examples of behaviour and actions taken by these individuals are listed below, however this is not an exhaustive list.

These are some of the actions and behaviours which can prove problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper handling of the issues being raised.

These behaviours can be:

- Refusing to co-operate with the process for handling service requests.
- Refusing to specify the grounds of the service request, despite offers of assistance.
- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the service request as the issue proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Covertly recording meetings and conversations, otherwise than allowed by law at a public meeting.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: inappropriately pursuing parallel service requests on the same issue with a variety of organisations or with a variety of individuals within the Council.

- Making excessive demands on the time and resources of staff with lengthy phone calls or e-mails to numerous council staff or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the service user insists make these 'new' issues.
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council or individual services and functions.
- Adopting a violent or aggressive demeanour towards staff.

Any of the above behaviours will trigger the beginning of this process. The Clerk will normally write to the individual. The letter will clearly explain the actions the Council may take if their behaviour does not change.

Very rarely, in extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of staff members. This is a decision which will be taken by the Clerk and Chairman with the utmost consideration for circumstances surrounding the incident(s).

Any restrictions imposed will be appropriate and proportionate, and examples of some options most likely to be considered are:

- Requesting contact in a particular format e.g. letters only
- Requiring contact to take place with a single named person only.
- Restricting telephone calls to specified days and times; and/or a particular member of staff.
- Restricting the amount of times a customer may be in contact over a certain time period.

The decision to restrict or stop a person's access to the Council offices and officers can only be taken by the Council.

A letter will then be sent to the complainant outlining the decision. All letters will include:

- Why the decision has been taken;
- What action will be taken;
- The duration of that action;
- The date of review for the action; if required;

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, other options will be considered; for example reporting the matter to the Police or taking legal action.

The Clerk will keep a record of all individuals who have had this procedure applied to them. Decisions taken under this procedure are subject to the Data Protection principles and the Human Rights Act. The position will be reviewed after 6 months if requested by the complainant.