



MINEHEAD TOWN COUNCIL

COMPLAINTS POLICY

INTRODUCTION

Minehead Town Council aims to get things right first time for the customer. We aim to provide you with a consistently high-quality service. If you feel we have not done this, please let us know. We will look into your complaint quickly and give you a response. The important part is that we should correct mistakes when made and learn from them.

We need to recognise that when people are unhappy with how they have been treated or with the service they received they may not express themselves clearly. Our procedures can be confusing to the public and we will endeavour to be open and accessible and see ourselves from the public's point of view.

When we make a mistake we should be able to acknowledge it, apologise and put things right as quickly as possible. We cannot presume that we always know what is right or know best.

By monitoring and analysing the complaints we can see the areas that give cause for concern. We will aim to put things right for you so that no one else will have to complain about the same thing in the future.

We cannot investigate some complaints, such as those involving schools or the courts, but we will do everything we can to help.

PROCEDURE

Making a Complaint

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 Town Council. Any complaint that a Councillor may have breached the Council's adopted code of conduct should be referred to the Monitoring Officer at West Somerset Council, West Somerset House, Killick Way, Williton, Somerset TA4 4QA who will advise you of the process to be followed.

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 (letter/e-mail/standard form) to the Town Clerk.

It should be noted that refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but the Council will find it easier to deal with if it is. If the complainant prefers not to put the complaint to the Town Clerk (because the matter relates to the Clerk, for example,) he or she should be advised to write to Mayor.

The clerk shall acknowledge the 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. We aim to acknowledge complaints within 2 working days.

The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.

Where the Town 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 Mayor. The Town Clerk will be formally advised of the matter and given an opportunity to comment.

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

Before the Meeting

Seven clear working days prior to the meeting, the complainant shall provide the Council 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 on at the meeting.

At the Meeting

The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.

The Mayor of the Council/Chair of Committee to will introduce everyone.

The Mayor of the Council/Chair of Committee to will explain the procedures to be followed.

The complainant (or representative) will be asked to outline their grounds for complaint.

Elected members will then ask any question of the complainant and/or their representative.

If relevant, the Town Clerk or other proper officer will explain the council's position.

Elected members will then ask any question of the Town Clerk or other proper officer.

The Town Clerk or other proper officer and then the complainant will then be offered the opportunity of summing up their position.

The Town Clerk or other proper officer and complainant will be asked to leave room while Elected Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).

The Town Clerk or other proper officer and complainant will, after elected members have considered the information presented, be asked to return to hear decision, or to be advised when decision will be made.

After the Meeting

The decision reached by the Council/Committee will be confirmed in writing within seven working days together with details of any action to be taken.



POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

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1. Introduction

1.1 Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

- 1.3 We do not expect staff or elected members to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include
- Using abusive or foul language on the telephone
 - Using abusive or foul language face to face
 - Sending multiple e mails
 - Leaving multiple voicemails
- 1.5 We will take action to protect staff and elected members from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

2. Aim of this Policy

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances

3. Definitions

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of **“unreasonable complainant behaviour”** and **“unreasonable persistent complaints”**
- 3.2 We define unreasonably persistent and unreasonable behaviour complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.

Examples of unreasonable and unreasonably persistent complaints

- Persisting in pursuing a complaint where the council's complaints procedure has been fully and properly implemented and exhausted.
- Making excessive demands on staff time whilst a complaint is being investigated.
- Complaining repeatedly about the same issue, despite previous investigations concluding that the complaint is groundless.

- Refusing to specify the grounds of a complaint despite offers of assistance.
- Refusing to co-operate with the complaint investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of an appropriate complaint procedure despite having been provided with information about the procedure's scope.
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and / or denying statements made at an earlier stage.
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.
- Electronically recording meetings or conversations without the prior knowledge and consent of the other persons involved.
- Adopting a scattergun approach: pursuing a complaint with the Council and at the same time, with a member of parliament, a councillor, local police, solicitors or the the Monitoring Officer of West Somerset Council.
- Making unnecessarily excessive demands, which are unreasonable and unsustainable on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff or elected members, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints after complaints processes have been completed essentially about the same issues, with additions or variations which the complainant insists make these new complaints which should be put through the full complaints procedure.
- Refusing to accept the decision of the Council, repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

4. Considerations prior to taking action under this policy

4.1 Before deciding whether the policy should be applied the Council 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 authority's view on the complaint.
- Any circumstances that relate to the complainants mental health, age, gender, sexual orientation, belief, language or disability have been considered.

4.2 If the council is satisfied on these points it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable or unreasonably persistent. Examples might be:

- If no meeting has taken place between the complainant and an officer/officers, and provided the authority knows nothing about the complainant which would make this unadvisable, consider offering the complainant a meeting with an officer of appropriate seniority. Sometimes meetings can dispel misunderstandings and move matters towards a resolution.
- If the complainant has special needs, an advocate might be helpful to both parties: consider offering to help the complainant find an independent one.

4.3 It is vital that all attempts are made to maintain effective communication and relationships with complainants. Before applying the policy the Council should be satisfied that the complainant is/has been addressed and the complaints procedure fairly applied and the complainant must be notified by phone, in writing or e mail of the concerns and include a warning of potential action the Council may take (with reference to this policy) if the problems persist.

4.4 The options available prior to taking action under this policy will depend on the status of the complaint and the circumstances of the individual case. The designation of a complainant as unreasonable or vexatious should be a last resort and all other options should be explored to manage the issues and ensure the complaint is addressed.

Ultimately the decision on whether the complainant is unreasonable or vexatious will be taken by Town Council.

5. Options for Action

5.1 There are relatively few complainants whose persistence we consider unacceptable. How we aim to manage these complainants will depend upon their nature and extent. If their persistence adversely affects our ability to do our work and provide a service to others, we may need to manage their unacceptable behaviour by restricting their contact with the Town Council.

5.2 Any restrictions applied will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time. The following are examples of the types of restriction(s) which may be used:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example,

- one call on one specified morning /afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named officer.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or e mails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged.

5.3 In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other complainants and employees do not suffer and disadvantage and the resources of the council are used effectively as possible.

6. Operating the Policy

6.1 If a decision is taken to apply the policy, the Town Clerk will write to inform the complainant:

- That the decision has been taken
- What it means for his/her contacts with the Town authority
- How long any restrictions will last; and
- What the complainant can do to have the decision reviewed.

Enclose a copy of the policy with the letter.

6.2 A register of those subject to this policy will be maintained by the Town Clerk.

6.3 All officers and Members who have experienced unreasonable complainant behaviour in respect of a specific complainant shall be informed of the decision to impose contact restrictions.

6.4 The register will include details of the decision, the restrictions and the time limits if appropriate.

7. Records

7.1 Adequate records must be kept of all contacts with unreasonably persistent complainants and complainants behaving unreasonably. The information should be treated as confidential and only shared with those who may be affected by the decision.

Key information to be recorded includes-

- When a decision is taken to apply (or not to apply) the policy following a request to do so by a member of staff/elected member or to make an exception to the policy once it has been applied.
- When a decision is taken not to put a further complaint from such a complainant through the complaints procedure; or
- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or e mails from the complainant are checked to pick up any significant new information.

8. Review of decisions taken under this policy

8.1 All cases will be reviewed 6 months after a decision to restrict or terminate contact has been made to ensure that action taken remains appropriate and proportionate.

8.2 If a complainant to whom the council has decided to apply the policy has no contact with the authority within the above period, the position should be reviewed and a decision taken on whether any restrictions placed on the complainants contacts should be cancelled.

8.3 All outcomes must be noted.

9. Future Complaints by the same complainant

9.1 When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

10. Appeals against decisions

10.1 Appeals or reviews of the decision to restrict a complainant's contact, or the authority's responses to them should be made in writing to the Town Clerk.

10.2 When the review has been carried out the council should write to advise the complainant of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.