



Langton Matravers Parish Council

Complaints Procedure

Complaints against the Council

Any complaint against the Council in view of its actions and decisions should be made in writing (either on paper or electronically) to the Council Chair. Any complaint received by the Council Chair shall be acknowledged via the same method within 7 days. At the next full Council meeting the Chair will announce that the complaint has been made and the nature of the complaint. This will be minuted.

On receipt of a complaint based on the actions of the Council, the Chair shall direct either a suitably qualified independent assessor, another Councillor and/or him/herself to investigate the complaint. The report into the complaint shall be undertaken with due diligence and presented for approval at the next full Council meeting except where information is awaited from an a third party or external agency.

The complainant shall be sent a full explanation of the investigation and decisions.

Complaints against Councillors

Councillors operate under the Code of Conduct available on the Council website or via the Parish Clerk. Complaints against the actions of Councillors shall be based on a breach of the Code of Conduct.

Any complaint about the conduct of a councillor needs to be addressed in writing (either by paper or electronically) to the Dorset Council Monitoring Officer and will be dealt with under Dorset Council's procedure. Dorset Council will refer the complaint to an independent person for advice, and guided but

not bound by that advice, the Monitoring Officer will decide whether the complaint should be referred for a full investigation, some form of informal resolution or no further action. If a complaint is investigated then the investigator will prepare a report for consideration at a hearing before Dorset Council's Hearings Sub-Committee. Whatever the outcome there is no further appeal.

There is a right of appeal to the Local Authority and Social Care Ombudsman. However, the Ombudsman does not offer a right of appeal against a Council's decision on member conduct complaints, but they can consider if there was fault in the way the Council considered the complaint. They will only investigate complaints if there is sufficient injustice to warrant their involvement or they consider it in the public interest to do so.

Complaints against Council employees

All complaints against Council employees should be made in writing (either on paper or electronically) to the Council Chair – where a receipt / acknowledgement will be issued within 7 days in the same format. On receipt of the complaint the Chair will notify the person being complained about thereby giving him/her an opportunity to respond.

The Chair will report all complaints to the next full council meeting, under Chairman's Announcements. The Chair will contact the complainant after notifying the person being complained about to try and settle the issue directly (NB if this achieves a settlement – it will still be reported to the next full council meeting).

Should the complaint not be settled by the time of the next full council meeting, the complainant will be invited to a meeting of SEDACC where the issue will be considered and where both the complainant and the employee about whom the complaint has been made will have an opportunity to put their respective cases. The employee may, if they so wish, be accompanied by a nominated representative who may be the employee's trade union representative. The SEDACC meeting will be held 'in camera', where members of the public are excluded, but all decisions will be made public.

The Chair will notify both parties involved of his/her decision based on the evidence within 30 days of receipt of the complaint, unless: either party is not available for part or the whole of this period; awaiting information from an outside body; other outside events/forces. In this case he shall notify the

complainant with a reason for the delay. A decision will only be deferred when legal or other advice is sought by the Council. The complaint will be dealt with at the next meeting after this advice has been received.

There is no right of appeal against any decision of the council in this regard.

Habitual and Vexatious Complainants

The Council aims, through the Complaints Procedure to resolve any issues / complaints that are brought to their attention. However, there may be occasions when complaints may be viewed as vexatious due to a disproportionate, unreasonable, repetitive, abusive or otherwise unreasonable behaviour (see definition below). These may involve cases where there are:

- Serial requests for information, serial complaints or serial grievances about different matters – received by letter, email or voicemail/messages.
- Requests, complaints or grievances that regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on such points.
- Grievances that are constantly reiterated which are without substance and have no foundation.
- Pursuing complaints which have already been investigated and determined.

If their persistence adversely affects the Council's ability to do its work, the Council may consider these complaints as vexatious, and will notify the complainant of its decision promptly and in writing. Any decision of this nature will be made in Full Council and will be confidentially minuted, but not publicly disclosed.

The Council recognises that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. The Council acknowledges that complainants will often be frustrated and aggrieved, and it is therefore important to consider the merits of their case rather than their attitude.

Definitions

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 or more of the following criteria:

1. Persist in pursuing a complaint/grievance where the Council's Complaints Procedure has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint/grievance 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/grievance is being addressed.
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 raise despite reasonable efforts of the Council to address their concerns, and/or where the concerns identified are not within the remit of the Council.
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 criteria.
6. Have threatened or used physical violence towards employees at any time - this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication received by post. All such incidences will be documented and may be reported to the police. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant and will receive written confirmation that this is the case and will inform the complainant of the action that will be taken.
7. Have, in the course of addressing a registered complaint or grievance, had an excessive number of contacts with the Council - placing unreasonable demands on employees. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, email, voice messages or social media. Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
8. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards employees dealing with the complaint/grievance. The Council and employees recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of harassment, abusive or verbally aggressive behaviour will be documented and may be reported to the police.

9. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards Councillors whether this has been on a face-to-face contact or at public meetings.
10. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved and/or have impersonated any employee of the Council or Councillors with the objective of soliciting information for whatever purpose.
11. Make unreasonable requests or demands and fail to accept that these may be unreasonable.
12. Seeking to coerce, intimidate or threaten employees, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

Action

Initially when seeking to establish whether there is a prime facie case of vexatious behaviour the Chair and Clerk will, if appropriate, meet or otherwise communicate with the complainant to inform him/her of the Council's policy on habitual and vexatious behaviour and to establish whether there is any mitigation to explain the behaviour. A 'witness' Cllr may be present on this occasion, and the complainant may attend with a supporter if desired.

Where complaints have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk, being the Executive Officer of the Council, in liaison with the Chairman of the Council, will determine what action to take.

The Clerk will implement such action and will notify the complainant(s), that their complaint/grievance is considered as vexatious and the action that will be taken. For completeness, this notification will be copied to all Councillors and may be copied to any others already involved. A record will be kept, for future reference, of the reasons why a complaint has been classified as habitual or vexatious.

The Clerk may decide to deal with habitual or vexatious complaints in one or more of the following ways:

- In letter, setting out a code of commitment and responsibilities for the parties involved if the Council is to continue processing the complaint/grievance. If these terms are contravened, consideration will then be given to implementing other action as indicated below.
- Decline contact with the complainant, either in person, by telephone, by letter, by e-mail, by social media or any combination of these, provided

that one form of contact is maintained which will be by conventional post (letter).

- Notify the complainant, in writing that the Council has responded to the points raised and has tried to resolve the complaint/grievance but that 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 persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
- Inform the complainant that the Council reserves the right to seek legal advice on unreasonable or vexatious complaints/grievances and behaviour. Temporarily suspend or permanently suspend all contact with the complainant, in connection with the issues relating to the complaint or grievance being considered habitual and/or vexatious.

Restricting Contact

Any restrictions 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 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.).
- Requiring the complainant to communicate only with a named employee only.
- If a complaint is currently going through the council's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed.
- Requiring any personal contacts to take place in the presence of a witness.
- Closing the investigation into a complaint.
- Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters, faxes, or emails received after a particular point.
- Banning a complainant from some or all of the Council's premises.
- Involving the police in cases where we believe the complainant has committed a criminal offence (for example, harassment, assault on employees or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave Council premises.

Where this policy is applied, the complainant will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed. There should never be a blanket ban for an unspecified period of time. We will try to maintain one form of contact which will be by way of conventional post (letter), and the complainant will be made clear on this contact.

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

Adoption by resolution of the Council, 14th May 2015

Reviewed and approved without change by resolution of the Council, 12th May 2016

Reviewed and approved without change by resolution of the Council, 11th May 2017

Reviewed and approved without change by resolution of the Council, 10th May 2018

Revised and approved by resolution of the Council, 9th May 2019

Revised and approved by resolution of the Council, 11th March 2021

Revised and approved by resolution of the Council, 9th September 2021.

Revised and approved by resolution of the Council 14th October 2021

Revised and approved by resolution of the Council.11th May 2023