

LISKEARD TOWN COUNCIL

Statement of Principle – Within the limits of its resources, the Town Council is determined to improve the economic, social and environmental well being of the community of Liskeard. To this end it will concentrate on optimising service delivery for the benefit of the whole of Liskeard. The Town Council is committed to the provision and sharing of information which is essential to the development of good community relations.

COMPLAINTS POLICY AND UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS POLICY

Liskeard Town Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint or have been unfairly treated in their dealings with the Council staff, Councillors, the Council or its Committees. However, the Council will only deal with contact with members of the public complaints which conform to the guidance supplied to the public by the Information Commissioners Office (ICO).

INFORMATION COMMISSIONERS OFFICE (ICO) The Information Commissioner's Office (ICO) is the independent regulatory office in charge of upholding information rights in the interests of the public.

The ICO provides the public with guidance on how to approach organisations such as, Town Councils, with complaints and requests for information. This is attached in full as an appendix. The Town Council will deal with all contacts from the public in accordance with that guidance. The term 'Town Council' being taken to include the all staff, councillors and volunteers.

The guidance indicates that members of the public:

- should use their real name and actual contact details.
- should not use offensive or threatening language.
- should not use requests as a way of 'scoring points'
- should not submit frivolous or trivial requests.
- should not make personal attacks employees. (which the Town Council will take to include councillors and volunteers)

If contact is received that does not conform to the recommendations of the Information Commissioners Office (ICO), the staff, councillors and volunteers are not obliged to answer it. Indeed, the measures outlined in the attached "Unreasonable Behaviour and Vexatious Complaints Policy" will be applied. These measures could include referring the incidents to the Police and blocking further contact with the individual for a period of 3 – 6 months (and in extreme cases up to 2 years).

VERBAL COMPLAINTS

1. On receipt of a complaint by telephone, letter, fax or email the Town Clerk will try to satisfy the complainant immediately or as soon as is practicable.
2. If the Town Clerk is unable to answer the complaint immediately, then full details of the complaint together with the complainant's telephone number etc. will be recorded so that a further verbal response can be made as soon as possible.
3. If a verbal response is unable to satisfy, then the Town Clerk/member will ask that the complaint be put in writing in order that it can be investigated more fully.

WRITTEN COMPLAINTS

1. On receiving a written complaint, the Town Clerk shall try to settle the complaint directly.
2. If the complaint is about the behaviour of a member or employee of the Council, the Town Clerk must also notify the person and offer the opportunity for comment on the manner in which it is intended to try and settle the complaint.
3. If necessary, the Town Clerk will send a holding letter to the complainant to allow further time to address the issues raised.
4. The Town Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the relevant Committee or Council and the Town Clerk shall notify the complainant of the date of the meeting. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting.
5. The Town Clerk shall consult with the Mayor/Deputy Mayor to consider whether the written complaint warrants discussion at a meeting of the relevant Committee or Council in the absence of the press and public, with the decision on the complaint shall be announced at the relevant Committee or Council meeting in public.
6. The Town Clerk will communicate in writing the decision that has been made by the relevant Committee or Council and the nature of any action taken by the relevant Committee or Council.

COMPLAINTS AGAINST AN OFFICER OF THE COUNCIL

1. Any complaint against an officer must be submitted in writing with the real name and address of the complainant included.
2. If the complaint is against the actions of the Town Clerk, it should be submitted in writing to the Mayor.
3. If the complaint is made against the actions of an employee, it will be considered as an employment issue and the Town Clerk will present the complaint to the Staffing Sub Committee of the Council for consideration at a meeting held in the absence of the press or public.
4. If the complaint is made against the actions of the Town Clerk, it will be considered as an employment issue and the Mayor will present the complaint to the Staffing Sub Committee of the Council for consideration at a meeting held in the absence of the press or public.

5. The Complainant may be invited to attend part of the meeting to explain the nature of their complaint, in the absence of the public and press.
6. Persons mentioned in the complaint will have the opportunity to will explain the nature of their actions to the meeting, in the absence of the public and press.
7. The result of any council consideration of a complaint will be announced at a Council meeting in public.

COMPLAINTS AGAINST A MEMBER OF THE COUNCIL

Town Councillors sign up to a Code of Conduct on taking office. The Council is unable to investigate complaints against any of its members. If you wish to submit a complaint for breach of this code should do so to the Monitoring Officer at Cornwall Council.

Mr S Mansell
Governance and Information Manager
Cornwall Council
Treyew Road
TRURO
Cornwall

Tel: (01872) 322704

E-mail simon.mansell@cornwall.gov.uk

Further information can be accessed from www.cornwall.gov.uk

UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS POLICY

Summary

This policy should be read in conjunction with the Council's Complaints Policy and sets out the procedure for dealing with unreasonable behaviour or vexatious complaints.

Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way that is unreasonable, persistent or excessive and which negatively impacts upon the Council's resources, officer, councillor and volunteer time and its ability to provide services to other customers. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

We are committed to dealing with all complaints equally and in a timely manner as set out in our Complaints Policy. We will not normally limit the contact which complainants have with Council staff.

We do not expect staff, councillors and volunteers to tolerate unacceptable behaviour by complainants.

Unacceptable behaviour includes behaviour, which is abusive, offensive or threatening.

We will act to protect staff, councillors and volunteers from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

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 the complaint being regarded as vexatious.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

What is an Unreasonably Persistent or Vexatious Complaint?

We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the Council, hinder our consideration of their or other peoples' complaints or the provision of our wider services to the community. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a complaint.

An unreasonably persistent and/or vexatious complaint may be one where:

- there are insufficient or no grounds for the complaint and it is made only to vexate (or for reasons that the complainant does not admit or make obvious);
- the complainant refuses to co-operate with the complaints' investigation process while still wishing their complaint to be resolved;
- the complaint is about issues not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this;
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice;
- it causes distress to Council officers which may include the use of hostile, abusive or offensive language, making threats, harassment and personal insults;
- making repeated complaints about the same issue, contacting the Council through different routes about the same issue in a persistent manner;
- refusing to accept a decision, repeatedly arguing points with no new evidence;
- not following agreed complaint procedures or not co-operating with the process (for example, refusing to provide information requested to clarify a complaint);
- excessive demands on the time and resources of officers with the expectation of an immediate response – for example frequent and lengthy telephone calls, repeated emails on the same subject, letters sent every few days;
- changing the basis of a complaint as the matter proceeds;
- persisting in pursuing a complaint where the Council's complaints process has been fully and properly exhausted;
- making complaints 'repeatedly or as a habit' without justification; complaints made about various unrelated issues to the extent that the complainant appears to be a 'complainer by nature';

- refusing to accept evidence provided in response to a complaint, making repetitive complaints and allegations which ignore the replies that Council Officers have supplied in previous correspondence;
- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved;
- the complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the Council, but at the same time to a Member of Parliament, other councils, elected Councillors of this and other councils and others;
- the same complaint is made repeatedly, perhaps with minor differences, after the complaint’s procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaint’s procedure.

Imposing restrictions

In determining whether or not behaviour or a complaint is unreasonable or vexatious, the Council will first ensure that the complaint has been dealt with properly in line with its policy and every effort to satisfy the customer’s expectations and resolve the complaint has been made.

Any restriction that is imposed on the complainant’s contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- banning the complainant from making contact by telephone except through a third party acting on their behalf;
- banning the complainant from communicating with an individual and/or all Council officers in a certain way;
- banning the complainant from accessing any Council building except by appointment;
- requiring contact to take place with one named member of staff only;
- restricting telephone calls to specified days / times / duration;
- requiring any personal contact to take place in the presence of an appropriate witness;
- letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence);
- informing the complainant that any further complaints from him or her will only be considered if the Town Clerk agrees that it warrants investigation.

The decision to deem behaviour unreasonable or a complaint vexatious will be made by the Town Clerk in consultation with the Town Mayor. Details of any individual’s behaviour deemed to be unreasonable or a complaint vexatious will be reported to the next meeting of the Finance, Economic Development and General Purposes Committee.

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

- why the Council has taken the decision,
- what action the Council is taking,
- the duration of that action,
- the review process of this policy, and

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

Where a complainant continues to behave in a way which is unacceptable, the Town Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Council may not give the complainant prior warning of that action.

New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent.

New complaints from people to whom the policy has already been applied will be treated on their own merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Council does not support a “blanket policy” of ignoring genuine service requests or complaints where there are genuine grounds for the complaint. The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Council.