



Ross-on-Wye Town Council

Complaints Procedure

1. Ross-on-Wye Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how the Council has dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. complaints by one Council employee against another Council employee, or between the Council as employer and a Council employee. These matters are dealt with under the Council's disciplinary and grievance procedures. If your complaint relates to an individual employee you may be assured that it will be taken seriously and dealt with appropriately.
 - 3.2. complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members adopted by the Town Council. If a complaint against a Councillor is received by the Town Council, it will be referred to the Monitoring Officer of Herefordshire Council. A notification of a complaint made direct to the Monitoring Officer will be given to the Clerk. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer of Herefordshire Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There is also the opportunity to raise your concerns in the public participation session of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Town Clerk at The Corn Exchange, High Street, Ross-on-Wye HR9 5HL, admin@rosstc-herefordshire.gov.uk or 01989 562373.
6. The Town Clerk will normally try to acknowledge your complaint within five working days and wherever possible will try to resolve your complaint within a further ten working days.
7. If you do not wish the Town Clerk to deal with your complaint or if you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Policy & Management Committee of the Council.

8. The Town Clerk or the Policy & Management Committee (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Town Clerk or Chairman of the Committee will normally notify you within twenty working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Full Council for review and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint. The Council's decision is final.

Habitual or Vexatious Complaints

1. Introduction

- 1.1 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
- 1.2 In this policy 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'. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.3 The term complaint in this policy includes request made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.
- 1.4 Habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of office and member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and empathy to the needs of all complainants there are times when there is nothing further which can be reasonably done to assist or to rectify a real or perceived problem.

2. Habitual or Vexatious Complainants

- 2.1 For the purpose of this policy the following definition of habitual or vexatious complainants will be used;
'the repeated and/or obsessive pursuit of;
 - i) Unreasonable complaints and/or unrealistic outcomes and/or
 - ii) Reasonable complaints made in an unreasonable manner.

- 2.2 Prior to considering its implementation the Clerk, in consultation with the Chairman of the Policy & Management Committee, will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, a report to the Policy & Management Committee will be made to seek agreement for an appropriate course of action to be taken. Schedule B details options available for dealing with such complaints.
- 2.4 The Clerk will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.
- 2.5 Once a complainant has been determined as habitual or vexatious their status will be kept under review and after one year a report will be made to the Policy & Management Committee. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Schedule A – Criteria for determining Habitual or Vexatious Complainants

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;

1. Persist in pursuing a complaint where the Council's complaints process 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 the contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken 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 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 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 threatened or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will thereafter only be continued through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant.
The complainant will be informed of this in writing together with the notification of how future contact with the Council is to be made.

7. Have in the course of addressing a registered complaint had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by phone, letter or email. Judgement will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this.
9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on the Council and its employees 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 timescale set out in the Council's Complaints Procedure.
11. Make unreasonable complaints which impose a significant burden on the Council's resources and where the complaint
 - i) Clearly does not have any serious purpose or value
 - ii) Is designed to cause disruption or annoyance
 - iii) Has the effect of harassing the Council
 - iv) Can otherwise fairly be characterised as obsessive or manifestly unreasonable
12. Make repetitive complaints and allegations which ignore the replies the Council has supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstance of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by phone by letter or email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and had tried to resolve the complaint but 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 habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstance the Council will seek legal advice of habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant in connection with the issues relating to the complaint being considered being habitual or vexatious, while seeking advice or guidance from a solicitor or other relevant agencies.

Adopted by the Policy & Management Committee, January 2018