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| <b>POLICY TITLE</b>    | <b>Complaints Procedure</b>          |
| <b>POLICY NO</b>       | 007                                  |
| <b>APPROVAL DATE</b>   | 25 July 2024                         |
| <b>REVIEW DATE</b>     | Every Council Term (4 yearly)        |
| <b>REPLACES POLICY</b> | Complaints Policy and Procedure 2018 |

## 1. The Importance of Complaints

- 1.1. Cullompton Town Council ('the 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 the Council or are unhappy about an action or lack of action by the Council, this policy document sets out how you may complain and how the Council will try and resolve your complaint. Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2. It is essential that complaints are dealt with positively. The Council is keen to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.
- 1.3. Complaints received from members of the public about the administration or procedures of the Council are not subject to the jurisdiction of the Local Government Ombudsman unless performing functions of a Principal Council or being a member of a panel, committee/sub-committee of a Principal Council. If a member of the public is unsatisfied with how their complaint has been dealt with and all stages in this procedure have been exhausted, there are few other remedies available. The Government takes the view that Town and Parish Councils (local councils) are accountable to their electorate, principally, through the ballot box.
- 1.4. Additionally, every elector has the right to raise any matter affecting town business at the Annual Town Meeting. Members of the public are also able to come along and ask questions or raise issues during public question time at the start of every meeting of the Council and its constituent committees.

## 2. **Definition of a Complaint**

A complaint is defined as “*any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers*”.

## 3. **What the complaints procedure will deal with:**

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- 3.1. neglect or unjustified delay.
- 3.2. malice, bias, or unfair discrimination.
- 3.3. failure to tell people their rights.
- 3.4. failure to provide advice or information when reasonably requested.
- 3.5. providing misleading or inaccurate advice.
- 3.6. inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

## 4. **What the complaints procedure will not deal with:**

- 4.1. complaints for which there is a legal remedy or where legal proceedings already exist.
- 4.2. complaints about employment matters. The Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

## 5. **This complaints procedure does not apply to:**

- 5.1. **Complaints by one employee against another employee, or between an employee and the Council as employer.** These matters are dealt with under the Council’s disciplinary and grievance procedures.
- 5.2. **Complaints against Councillors.** Such complaints will be dealt with under the Code of Conduct for Members, adopted by the Council at any given time. If a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer at Mid Devon District Council for investigation. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer at Mid Devon District Council.

## 6. **Equal Opportunities**

- 6.1. The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices and promote equality of opportunity.
- 6.2. Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

## **7. Complaints Officer**

The Complaints Officer for the Council is the Town Clerk. Their main duties are:

- 7.1. The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- 7.2. To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- 7.3. To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- 7.4. To identify improvement points arising from any complaints.
- 7.5. To identify staff training issues.

## **8. Stages of The Procedure**

The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner, and it is important that the procedure does not in itself become a barrier to effective communication.

## **9. Everyday problems, queries and comments**

- 9.1. The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.
- 9.2. If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue should be recognised as a complaint.

## **10. Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

## **11. Formal Complaint (First Stage)**

- 11.1. A customer may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the Town Clerk to investigate.
- 11.2. If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

### 11.3. Timescales:

11.3.1. Acknowledgement - by return of post/email within 3 working days

11.3.2. Investigation completed - 14 days, or

11.3.3. Progress Reports Issued - 14-day intervals.

11.3.4. Investigating Officer: Town Clerk.

## 12. **Review of Investigation and Complaint (Final Stage)**

12.1. If the complainant is not satisfied with the Town Clerk's response, they should be advised of their right to have the complaint referred to the Full Council who will review the complaint.

### 12.2. Timescales:

12.2.1. Response by the Town Clerk - 14 days

12.2.2. Panel (if thought necessary) - Convened within 14 days, or

12.2.3. Progress Reports Issued – 14-day intervals.

12.2.4. Investigating Officer: Town Council Chair.

## 13. **Complaints regarding the Town Clerk**

If the complaint is regarding the Town Clerk directly, the matter will be referred to the Staffing Committee for resolution. Should the complainant not be content with the decision of the Staffing Committee, the matter will be referred to the Full Council for review.

## 14. **Unreasonable and Vexatious Complaints**

14.1. There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

14.2. These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response. The Council may also resolve to cease communication with the complainant on the complaint deemed vexatious or on any other matter.

14.3. There is an in-depth Unreasonable and Vexatious Complaints Policy which can be found at the Appendix to this Policy.

## 15. **Anonymous Complaints**

Anonymous complaints should be referred to the Town Clerk and may be acted on at his discretion, according to the type and severity of the allegation.

## 16. **Resolution and Remedies**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be

given to the question of an appropriate remedy. An explanation or an apology will always be needed.

17. **Contact**

**Cullompton Town Council Town Clerk:** Dan Ledger

**Address:** Room 4-5, First Floor, Hayridge Centre, Exeter Hill, Cullompton, EX15 1DJ  
Tel: 01884 38249

**Email:** [town.clerk@cullomptontowncouncil.gov.uk](mailto:town.clerk@cullomptontowncouncil.gov.uk)

## **UNREASONABLE, PERSISTENT OR VEXATIOUS COMPLAINTS**

### **1. Criteria for determining unreasonable, persistent or vexatious complaints**

- 1.1. A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:
  - 1.1.1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted.
  - 1.1.2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
  - 1.1.3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response despite 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.
  - 1.1.4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
  - 1.1.5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
  - 1.1.6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
  - 1.1.7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
  - 1.1.8. 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. The individual circumstances of each person need to be considered and treated sensitively.
  - 1.1.9. Makes 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 Council's complaints procedure or normal recognised practise.

- 1.2. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
    - 1.2.1. does not have any serious purpose or value.
    - 1.2.2. is designed to cause disruption or annoyance.
    - 1.2.3. has effect of harassing the public authority.
    - 1.2.4. can otherwise fairly be characterised as obsessive or manifestly unreasonable.
    - 1.2.5. is using the Council as a means of causing harassment to another member of the public.
  - 1.3. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.
- 2. Action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious.**
- 2.1. Officers and Members will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this direction is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.
  - 2.2. An individual assessment will need to be made in each and every case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious.
  - 2.3. To assist with this, the Committee will need to consider if there has been repeated and/or obsessive pursuit of:
    - 2.3.1. Unreasonable complaints.
    - 2.3.2. Complaints where there is an expectation of unrealistic outcomes
    - 2.3.3. Reasonable complaints made in an unreasonable manner.
    - 2.3.4. Repeated complaints that have already been responded to in full.
  - 2.4. Where a complaint continues and the committee have identified the complaint as unreasonable, persistent or vexatious, as set out in direction 1 the Town Clerk will notify the complainant in writing of the reason why the complaint has been classed as unreasonable, persistent or vexatious and of the actions to be taken, these could include (singularly or in combination, depending on the individual circumstances);
  - 2.5. Send 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.
  - 2.6. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail 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.

- 2.7. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and 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, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
- 2.8. Inform the complainant that in extreme circumstances the Council will seek legal advice and if appropriate commence court proceeding for an injunction.
- 2.9. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.