

HAYTON & BURNBY PARISH COUNCIL

COMPLAINTS PROCEDURE

1. Hayton & Burnby Parish 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 receive from this Council or are unhappy about any 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. 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 section of Council meetings. The public participation section is towards the beginning of the Council meeting.
3. The Complaints Procedure applies to complaints about the Council administration and procedures and may include complaints about how the Council dealt with your concerns.
4. The Complaints Procedure does not apply to:
 - 4.1 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 it will be taken seriously and dealt with appropriately.
 - 4.2 Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members adopted by the Parish Council. If a complaint against a councillor is received by the Parish Council, you as the complainant will be asked to send your complaint to the Monitoring Officer at East Riding of Yorkshire Council. More information on this process can be obtained here <https://www.eastriding.gov.uk/council/councillors-and-members-of-parliament/complain-about-a-councillor/>

Complaints about a Councillor can be made by emailing standards@eastriding.gov.uk or
In writing to the Monitoring Officer, Director of Legal and Democratic Services, East Riding of Yorkshire Council, County Hall, Cross Street, Beverley, HU17 9BA
5. You may make your complaint about the Council's procedure or administration to the Parish Clerk. You may do this in person, by email or by writing to the Parish Clerk. The addresses are set out at the end of the procedure. Comments on social media will not be considered to be a complaint.
6. The Parish Clerk will normally try to acknowledge your complaint within five working days.
7. Wherever possible the Parish Clerk will try to resolve your complaint within 10 working days.

8. If you do not wish the Parish Clerk to deal with your complaint, you may make your complaint directly to the Chair who will arrange to have the complaint investigated.
9. The Investigating Officer will normally notify you within 20 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 fully informed of the reasons for the delay.
10. If you remain dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Chair for review. When reviewing the complaint, the Chair can either respond directly to you with the outcome of the review or convene a Complaints Panel before making a decision.
11. If the Chair decides to convene a Complaints Panel you will be invited to attend and explain your complaint. The investigating officer will respond and explain the reasons for reaching the decision taken. At the Chair's discretion, you and the investigating officer may ask questions of each other. At the end, you will have the final word and both parties will be asked to withdraw while the Panel make a decision.
12. A decision will be made by the Complaints Panel and the outcome of the review and of what action (if any) the Council proposes to take as a result of your complaint will be notified to you by the Chair, either at the conclusion of the Panel meeting or within 7 days.

In the first instance, all complaints should be directed to the Parish Clerk who is the Council's proper officer

Email clerk@Hayton & Burnbyparishcouncil.gov.uk

Handling Vexatious or Abusive Complaints

Most complainants behave in legitimate ways. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than genuinely to resolve a grievance.

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 seeking to subvert the legitimate business of the council. We acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.

It is not necessary to meet a complainant's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a complainant's legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the complainant's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council need to address such behaviour.

Where complaints are identified as vexatious in accordance with the criteria set out in appendix 1, the Parish Clerk in liaison with three Councillors including the Chair of the Council and, whenever possible, the Vice Chair and the Chair of the Personnel Committee, will determine what action to take. The Parish 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. This notification will be copied to all Councillors and a record kept of the reasons why a complaint has been classified as vexatious.

The council may deal with vexatious complaints in one or more of the following ways:

- * In a letter, setting out a code of commitment and responsibilities for the parties involved if the Parish 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, email or any combination of these, provided that one form of contact is maintained which will usually 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 and the Council does not intend to engage in further correspondence dealing with the complaint.
- * Inform the complainant that the Council intends to seek legal advice on unreasonable or vexatious complaints/grievances and behaviour.
- * Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint or grievance being considered.

Restricting Contact

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time such as:

- * Placing time limits on telephone conversations and personal contacts;
- * Limiting the complainant to one form of contact (letter);
- * Requiring the complainant to communicate only with one named employee/member;
- * 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;
- * Closing the investigation into a complaint;
- * Refusing to register and process further complaints providing the complainant with acknowledgements only;
- * Banning a complainant from the Councils premises;
- * Involving the police where the complainant is believed to have committed a criminal offence (harassment, assault or criminal damage), where assault is threatened, or the complainant refuses to leave council premises.

The Parish Clerk will inform the complainant in writing why a decision has been made to restrict or stop future contact, the contact arrangements and the length of time that these restrictions will be in place.

There should never be a blanket ban for an unspecified period of time unless the Council are legally required to do so following a police investigation. The council should always try to maintain one form of contact which will normally be by way of conventional post (letter). In extreme situations the council will tell the complainant in writing that they must restrict

contact to communication through a nominated advocate known and declared to be acting on their behalf.

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, our employees, councillors and co-opted members do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible.

Threatening and Abusive Complainants and Harassment

We do not expect staff or members to tolerate unacceptable behaviour by complainants which causes or may cause undue stress. The Council believes that harassment is totally unacceptable. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally on the staff or members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours the staff or members affected should step away from the situation and the complainant asked to leave the premises where appropriate.

This can mean terminating a conversation whether it is face to face or by telephone, advising that the conversation is being terminated, and in the case of such behaviour in a face-to-face contact in the office or public meeting the complainant should be asked to leave the premises.

All such incidences must be documented. This will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be continued through written communication by post.

Any complainant who threatens or uses physical violence towards staff or members will receive written confirmation that they are being treated as a vexatious complainant and informed of the action that will be taken.

Legal References

Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and members.

Adopted

Date 09.10.2024

Minute reference 154/24

Appendix 1

Definition of a Vexatious Complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where contact with them shows that they meet one or more of the following criteria:

- * Persist in pursuing a complaint/grievance where the Council's Complaints Procedure or the Freedom of Information procedure has been fully implemented & exhausted.
- * 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.
- * Are repeatedly unwilling to accept 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.
- * 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.
- * If the complaint is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information. The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity.
- * Regularly focus on a trivial matter to an extent which is out of proportion to its significance. It is recognised that determining what is a trivial matter can be subjective and careful judgement must be used in identifying frivolous complaints.
- * Have threatened or used physical violence towards staff or members at any time.
- * Have had an excessive number of contacts with the Council - placing unreasonable demands on staff or members. 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.
- * Have harassed or been personally abusive or verbally aggressive towards staff or members dealing with the complaint/grievance. The Council recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and should make reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour will be documented.
- * Have harassed or been personally abusive or verbally aggressive towards any Members of the Council (Councillors) or co-opted members whether this has been on a face-to-face contact or at public meetings.
- * Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or Councillors with the objective of soliciting information for whatever purpose.
- * Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.
- * Repeatedly raise grievances which are already proven to be without substance or foundation.