Lytchett Matravers Parish Council
Complaints Procedure

In Accordance with the Standing Orders of the Parish Council

This set of documents relates to complaints in the following areas:

Complaints in respect of Council Employees

Complaints in respect of the activities of the Council

Complaints in respect of Councillors

Complaints that need directing towards other authorities, that is Dorset Council

This Complaints Procedure sets aside any/all previously agreed Complaints Procedures/Policies, up to and as from the date of adoption by the Parish Council 18th March 2013.

Lytchett Matravers Parish Council
clerk@lytchettmatraversparishcouncil.gov.uk

Lytchett Matravers Parish Council

Complaints Procedure – Council Actions

NB This procedure is for complaints about the way in which the Council has acted

1. Any complaint against the Parish Council in view of its actions and decisions should be made in writing (either on paper or electronically) to the Parish Council Chairman.
2. Any complaint received by the Parish Council Chairman shall be acknowledged via the same method within 7 days.
3. Complainants will be invited to the next full meeting of the Council to explain their complaint.
4. On receipt of a complaint based on the actions of the Parish Council, the Chairman shall direct either another councillor or him/herself to investigate the complaint in detail.
5. The receipt of a complaint and action points shall be minuted at the next full council meeting under Chairman's Announcements.
6. The report into a complaint shall be undertaken with due diligence and report back to the next full council meeting, except where a report is needed from an external agency.
7. The complainant shall be sent a full explanation of the investigation and decisions.
8. The right of appeal to a decision should be addressed to:
   Chairman of the Standards Committee
   Name: David Fairbairn
   Email: david.fairbairn@dorsetcouncil.gov.uk
   Tel: 01929 557223
   Chief Executive's Office
   Wesport House
   Worgret Road
   Wareham
   Dorset
   BH20 4PP

Lytchett Matravers Parish Council

Complaints Procedure - Parish Councillors

NB. Councillors operate under the Code of Conduct available on the Parish website or via the Parish Clerk. Complaints should make reference to this Code of Conduct

1. Complaints against the actions of Parish Councillors shall be based on a breach of the Code of Conduct (as above)
2. Any complaint about the conduct of a councillor needs to be addressed in writing (either by paper or electronically) and sent to the Parish Council Chairman, who shall issue a receipt in the same format within 7 days.
3. Should the complaint be about the Chairman, then the Vice Chairman will act in the capacity of the Chairman.
4. The Chairman will contact the person who has been complained about and notify them of the complaint.
5. The Chairman will then assemble the evidence based on the complaint and bring this to the attention of both complainant and person being complained about.
6. Should the complaint not be settled by the time of the next full council meeting, the complainant will be invited to this meeting where the issue will be considered and the complainant will have an opportunity to explain their complaint. Any confidential matters may be dealt with 'in camera', where members of the public are excluded, but all decisions will be made public. (Standing Order 20)
7. The Chairman will notify both persons involved of his decision based on the evidence within 30 days of receipt of the complaint, unless: either party is not available for a 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 this delay.
8. This complaint and any decisions/actions shall be minuted at the next full council meeting under Chairman's Announcements.
9. Any action that derives from the complaint shall be allocated, if necessary, to the relevant committee of the Parish Council for action.
10. The right of appeal against any decision of the Parish council in this regard should be addressed to
    Name: David Fairbairn
    Email: david.fairbairn@dorsetcouncil.gov.uk
    Tel: 01929 557223
    Chief Executive's Office
    Wesport House
    Worgret Road
    Wareham
    Dorset
    BH20 4PP

Lytchett Matravers Parish Council

Complaints Procedure – Employees

This procedure is for employees of the Parish Council only.

1. All complaints against Council employees should be made in writing (either on paper or electronically) to the Parish Chairman – where a receipt/acknowledgement will be issued within 7 days in the same format.
2. On receipt of the complaint the Chairman will notify the person being complained about – giving him/her an opportunity to respond.
3. The Chairman will report ALL complaints to the next full council meeting, under Chairman's Announcements.
4. The Chairman 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).
5. Should the complaint not be settled by the time of the next full council meeting, the complainant will be invited to this meeting where the issue will be considered and the complainant will have an opportunity to explain their complaint. Any confidential matters may be dealt with 'in camera', where members of the public are excluded, but all decisions will be made public. (Standing Order 20)
6. The Chairman will notify both parties involved of his 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 this delay.
7. 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.
8. The right of appeal against any decision of the Parish council in this regard should be addressed to
   Chairman of the Standards Committee
   Name: David Fairbairn
   Email: david.fairbairn@dorsetcouncil.gov.uk
   Tel: 01929 557223
   Chief Executive's Office
   Wesport House
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Lytchett Matravers Parish Council

Habitual and Vexatious Complainants

Introduction

The Parish Council will aim, through the Complaints Procedure to resolve any issues / complaints that are brought to their attention. However, there may be occasions complaints may be treated 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 investigates and determined

If their persistence adversely affects our ability to do our work and provide a service to others, the Council may consider these complaints as vexatious, and will notify the complainant of this decision promptly and in writing. Any decision of this nature will be made in Full Council and will be minuted, but the disclosure of details will not be published in the public arena (i.e. publicly available minutes).

The Parish 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. We acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.

Definition of a Habitual or Vexatious Complainant

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. The Parish 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, e-mail, voice messages or fax. 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.
9. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards other Members of the Council (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

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:

1. In 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.
2. 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 which will be by conventional post (letter).
3. 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.
4. Inform the complainant that the Council reserves the right to seek legal advice on unreasonable or vexatious complaints/grievances and behaviour.
5. 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, e-mail
- 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 e-mails 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.

Legal Position
Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests.

Date Adopted: 18th March 2013

Date Reviewed: Full Council 25th February 2026
Minute ref: 5.3

Due for review: March 2027