



Aldenham Parish Council

Feedback and Complaints Policy

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1.0 Introduction

- 1.1 Aldenham Parish Council (APC) 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.
- 1.2 APC appreciates hearing when it has done a good job. APC records all praise, and pass any compliments on to the relevant line manager, who ensures that the team or staff member receive the acknowledgment and recognition so deserved.
- 1.3 However, APC appreciates that at times you maybe 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. On such occasions, the following procedure sets out how you may complain to the council and how APC shall try to resolve your complaint.
- 1.4 This Feedback and Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

This Feedback and Complaints Procedure does **not** apply to:

- Complaints by one council employee against another council employee or between a council employee and the council as an employer. These matters are dealt with under the council's disciplinary and grievance procedures.
- Complaints under the councillors' Code of Conduct.
 - If the complainant considers that a councillor has breached APC's 'Council's Code of Conduct' for councillors they should make the complaint to the Monitoring Officer of Hertsmere Borough Council (<https://www.hertsmere.gov.uk/your-council/councillors-and-councils/councillors-conduct-and-standards-of-behaviour>)

2 Influencing decisions and complaints procedure.

- 2.1 The appropriate time for influencing APC's 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. Email – manager@aldenham-pc.gov.uk
- 2.2 There may also be the opportunity to raise your concerns in the public participation section of Council meetings, if it is on the agenda.
- 2.3 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.

2.4 APC aim to deal with all complaints as and when they arise however, if a member of the public wishes to make a complaint formally, or a resolution cannot be found at the point of service delivery then the below procedure must be followed:

Stage One

- Once received, the Senior Management Team will nominate an appropriate officer to acknowledge the complainant within three working days.
- The Council aims to respond in full to the complaint, in writing, within 10 working days. The Council will be open and honest and admit fault when things have gone wrong and will set out an action plan to put things right, which does not necessarily admit an acceptance of liability.

Stage Two

- If the member of the public is dissatisfied with the outcome of Stage One, then there is an opportunity for them to request an internal review. The member of the public has 10 working days to appeal. This will be undertaken by an officer who was independent from stage one. The member of the public should state why they consider that the complaint has not been dealt with satisfactorily.
- The request for a review will normally be acknowledged within three working days and a full response within 25 working days.

Stage Three

- If the member of the public is still dissatisfied following Stage Two, then they can request an appeal to the Council Chairman. The member of the public has 10 working days to appeal.
- The Chairman of the council will review the complaint and the actions taken by the Council in Stages One and Two. If necessary they may appoint up to two other councillors to assist them. They will decide if it requires further escalation.
- The member of the public will not automatically be invited to attend; however, the chairman can request attendance if they feel it is of benefit.
- After the Chairman has concluded their review they will provide the complainant with a full written reply within 30 working days. The member of the public will also be advised that they have exhausted the Council's procedure for dealing with the complaint.

2.5 If the complaint is about the actions of the Council Manager, the Chairman will acknowledge the complaint and will advise that this will be brought to the attention of the council at the next meeting. The Council Manager will be informed but no correspondence will be entered into until an independent councillor has been appointed to carry out the review.

- 2.6 The councillor will then invite the CM to respond to the complaint. If necessary they may ask for further evidence from the complainant in order to be able to conclude the investigation.
- 2.7 The councillor will aim to report back to the council at the next meeting with a conclusion (the CM will be asked to leave the meeting whilst this is discussed).
- 2.8 After the meeting has concluded their review they will provide the complainant with a full written reply within 30 working days. The member of the public will also be advised that they have exhausted the Council's procedure for dealing with the complaint.
- 2.9 The CM will also be advised of the outcome including procedures under APC's Disciplinary and Grievance Procedure.

3.0 Persistent or Vexatious Complaints

- 3.1 APC welcomes feedback so it can review and improve; however, there are times when the behaviour of the complainants falls within the scope of abusive, persistent or vexatious complaints and communications.
- 3.2 As a responsible employer, APC is required to protect employees at their place of work. Therefore, those identified will be treated consistently, honestly, and proportionately, whilst ensuring that other service users, officers, and the council suffer no detriment.
- 3.3 All complainants have the right to have their concerns examined in line with this procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable.
- 3.4 The complainant may act in a way that is considered abusive, unreasonably persistent, or vexatious, and by doing so, it may hinder the council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during, or after a complaint has been investigated. The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought, which should be realistic and achievable.

4.0 Definition of Persistent or Vexatious Complaints

- 4.1 It should be noted that raising a complaint about APC does not constitute unreasonably persistent behaviour, nor does pursuing complaints escalated through all stages of the relevant process nor those who express criticism about the complaints process itself.
- 4.2 APC has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants: ". . .

unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with the Persistent or Vexatious Complaints Policy with an organisation, hinder the organisation's consideration of their, or other people's, complaints".

4.3 The below list is not exhaustive; however, examples of unreasonably persistent behaviour include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process.
- Refusing to accept that certain issues are not within the scope of the council's jurisdiction or within the scope of the complaints protocol.
- Insisting on the complaint being dealt with in ways that are incompatible with the adopted procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues raised and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements the complainant made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach, i.e., pursuing parallel complaints on the same issue with various members of staff and/or organisations or councillors.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days and expecting immediate responses.
- Submitting repeat complaints with minor additions or variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision and/or repeatedly arguing points with no new evidence.
- Conducting a campaign against the council's officers that may potentially amount to being defamatory in nature.

5.0 Examples of Abusive and/or Vexatious Complainants

5.1 APC will take steps to protect its staff and councillors from members of the public who are behaving in a way that is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (although this list is not exhaustive):

- Speaking to a member of staff in a derogatory manner that causes offence (including e-mails and written correspondence).
- Swearing, either verbally or in writing, despite being asked to refrain from using such language.
- Using threatening language towards council staff that provokes fear.
- Repeatedly contacting a member of staff or councillor regarding the same matter that has already been addressed.

6.0 Managing Unreasonable Behaviour

6.1 This policy may be invoked if APC considers that a complainant has behaved in a manner that is deemed unreasonable (see above). APC may take any action against a complainant that it considers reasonable and proportionate in the circumstances.

6.2 Types of actions the council may take:

- Where the complainant tries to reopen an issue that has already been considered through the procedure, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file but not acknowledged unless it contains important new information.
- Limiting the complainant to one type of contact (e.g. Email.)
- Placing limits on the number and duration of contacts with staff contact per week or month.
- Requiring contact to take place with a named member of staff and (Chairman/Vice Chairman) informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to but will be kept on file.
- Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location.
- Officers must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been considered, including any characteristics listed in the Equality Policy.

7.Imposing Restrictions

7.1 In the first instance, this will be taken to senior management, in consultation with the Chairman & Vice Chairman of the Council. The CM will communicate with the complainant either by phone or in writing to explain why their behaviour is causing concern and ask them to change it. They will also explain what actions the council may take if the behaviour does not change.

7.2 If the complainant continues with the unreasonable behaviour, senior management, in consultation with the Chairman & Vice Chairman of the Council will consider whether it is necessary to take further appropriate action.

7.3 When the decision has been taken to apply this policy to a complainant, a joint letter signed by the CM and Chairman of the Council will be sent to the complainant to explain:

- Why this decision has been taken.

- what action APC will be taking.
- the duration of that action.
- the review process of this policy.

7.4 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, they may be extended. In such cases, the restrictions would be reviewed on a quarterly basis. If the complainant continues to behave in a way that is deemed unacceptable, then the CM and Chairman may decide to refuse all contact with the complainant and cease any investigation into their complaint.

7.5 Where the behaviour is extreme or threatens the immediate safety and welfare of staff or councillors, APC 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.

8.0 Record Keeping

8.1 The Council will keep a record of all complainants who have been treated as being unreasonably persistent, abusive, and/or vexatious in accordance with this policy and our data protection policies. This will include details of why the policy was invoked, what restrictions were imposed, and for what period of time.