



## Watton Town Council Complaints Policy

Adopted 28.05.2019

To be reviewed	Reviewed
April 2021	

### Watton Town Council

#### Procedure for Dealing with Complaints

##### Introduction

##### Why is this necessary?

From time-to-time members of the public may make complaints about the administration or procedures of the Town Council.

Unlike principal authorities, parish and town councils are not subject to the jurisdiction of the Local Government Ombudsman.

When a complaint is made against a local council, members(s) of the council or staff are likely to be mentioned. However, a complaint against a Council should be treated as a complaint against the body corporate, not as a complaint against individual employees or member(s) of the council.

*Please note complainants need to be aware that Watton Town Council is the ultimate body to deal with complaints against the Town Council. Neither Breckland District Council nor Norfolk County Council has any jurisdiction.*

A complaint which is perceived to be a breach of The Parish Councils Code of Conduct may be submitted to the Monitoring Officer at Breckland District Council.

A complaint directly against a member of staff may be handled in accordance with the complaints procedure but following the outcome of the complaint could be dealt with through the Council's Disciplinary Procedure.

To assist good local administration town and parish councils are advised to adopt a standard formal procedure for considering complaints.

It is in the Council's interest to do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. If a complaint cannot be settled by the Council the complainant may well try to enlist the services and backing of others, or have recourse to law and thus pursue the complaint at a considerable expenditure to the Council.

In dealing with complaints Watton Town Council is mindful of the provisions of the Data Protection Act 1998 and General Data Protection Regulations (GDPR) 2016 as well as the Freedom of Information Act.

To ensure compliance with its obligations in the Data Protection Act 1998 and GDPR 2016, a council cannot disclose the identity, contact details or other personal data about an individual complainant unless he consents or disclosure is otherwise fair and lawful.

Occasionally it might be necessary to notify the council's insurers of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss. Failure to notify insurers may invalidate an insurance policy.

When is a local council's complaints procedure not appropriate?

Type of conduct	Refer to
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts
Alleged criminal activity	The Police
Member's conduct alleged to breach the Code of Conduct adopted by the Council	Breckland District Council Monitoring Officer

A council's complaints procedure is not a means of redress for its members or staff. Members and staff are expected to work together professionally even if they hold differences of opinion or views.

Members are free to raise matters of concern in respect of council business by the submission of motion(s) on the agenda for relevant meetings where the issue can be formally considered and resolved. If a member has concerns about the conduct of a member of staff, he/she should notify the HR Committee.

If an employee has a complaint about the workplace, he/she may raise this in accordance with the council's Grievance Procedure.

## Watton Town Council Complaints Procedure

Adopted on 28.05.2019

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1. Watton 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 Watton Town Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how a complaint to the council may be made and how the Council will try to resolve the complaint.
2. If a complaint cannot be settled verbally and directly the complainant should complete a Complaints Form to submit to the Town Clerk. All formal complaints must be communicated in writing. If the complainant prefers not to put the complaint to the Town Clerk he/she will be advised to put it to the Chairman of the Council.
3. The complainant must be asked at the outset to confirm if he/she wants the complaint to be treated confidentially. If the complainant waives confidentiality, the Council must comply with its obligations under the Data Protection Act 1998 and GDPR 2016 to safeguard against the unlawful disclosure of personal data.
4. The Town Clerk or Chairman, shall;
  - acknowledge receipt of the complaint in writing within 10 working days
  - confirm to the complainant if the complaint will be treated as confidential (which is most likely) and
  - confirm the next steps of the complaints procedure.

### **Investigating the complaint**

5. The Council will need to investigate the facts of the complaint and collate relevant evidence.
6. If deemed appropriate the complainant will be asked to meet with the Clerk or Chairman (or other Councillor as agreed by the Council) to make verbal representations. The complainant will be invited (with a supporter) to attend the Town Council Office during office hours but at a convenient time for themselves and within 14 working days of the date of the letter of receipt of the written complaint.
7. The complainant will be asked to submit any new information or other evidence relevant to the complaint prior to the meeting.

### **Meetings with the complainant**

8. The Chairman should explain how the meeting will work. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or Chairman.

9. The Clerk or Council will explain the Council's position and questions may be asked by the complainant.
10. Both parties will be given the opportunity to summarise their respective positions.
11. The complainant will be advised that a decision will be made and communicated to them within 21 days. If no decision can be reached within the time frame the complainant will be made aware of this.

## **Decision**

12. Unless the Clerk and Chairman have been delegated the power to make any final decision the complaint will be reported to the Council which will agree the final response to the complainant.
13. The Council should write to the complainant to confirm whether or not it has upheld the complaint. The Council should give reasons for its decision together with details of any action to be taken by the Council if this is appropriate.
14. The decision made by the Council is final.
15. The decision will be reported to the Full Council as a confidential item.



# Watton Town Council

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Town Clerk: Mrs Jane Scarrott [clerk@wattontowncouncil.gov.uk](mailto:clerk@wattontowncouncil.gov.uk)

## Complaint Form

### **General Data Protection Regulations Privacy Notice**

#### Consent to hold Contact Information

I agree that I have read and understand Watton Town Council's Privacy Notice, available at [www.wattontowncouncil.gov.uk](http://www.wattontowncouncil.gov.uk)

I agree by signing below that the Council may process my personal information for providing information and corresponding with me.

I agree that Watton Town Council can keep my contact information data for an undisclosed time or until I request its removal.

I have the right to request modification on the information that you keep on record.

I have the right to withdraw my consent and request that my details are removed from your database.

Name		
Date of birth if under 18	<i>If under 18 consent will be needed from parent/guardian</i>	
Address		
Phone no.		
Email Address		
Facebook		
Signature		Date

Details of complaint
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Do you wish that this complaint be kept confidential

Yes ☐

No ☐

This image shows a full page of blank white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for writing or drawing. There are no margins, text, or other markings present.

Signed \_\_\_\_\_

## GUIDANCE FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARRASSMENT

### INTRODUCTION

The Town Clerk and other members of staff deal with specific complaints in accordance with Watton Town Council's Complaints Procedure, with the majority of complaints handled in an informal manner and resolved quickly. However, if a formal complaint is received it will be dealt with as outlined in the Complaints procedure.

However, there may be occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. Should the actions of the complainant begin to impact negatively on the day to day running of the Council, or on the wellbeing of the staff or members of the Council then action may be taken in accordance with this policy.

### 1. AIMS OF GUIDANCE

#### 1.1 The aims of this guidance are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the Council and persons who wish to express a concern or pursue a complaint;
- support the well-being of staff and everyone else who has legitimate interest in the work of the Council, including Councillors;
- deal fairly with those who make persistent or vexatious complaints and those who harass members of staff.

### 2. WHO IS A PERSISTENT COMPLAINANT?

2.1 For the purpose of this document, a persistent complainant is a member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Council, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) an increase upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- d) an insistence upon pursuing complaints in an unreasonable manner;
- e) an insistence on only dealing with a specific member of staff or Councillor;
- f) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant.

2.2 For the purpose of the guidance, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of the Council or its staff
- b) cause ongoing distress to individual members of the Council or its staff

- c) have a significant adverse effect on the Council, its members or staff
- d) are pursued in a manner which could be perceived as intimidating and oppressive by the recipient. This could include situations where criticisms, whilst not particularly taxing or serious in isolation, have a cumulative effect of undermining confidence, well-being and health.

### 3. ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

3.1 In the first instance the Council may verbally inform the complainant that his/her behaviour is considered to be unreasonable and therefore unacceptable and if it is not modified action may be taken. *Any member of staff or Councillor personally targeted will be informed and where any complaint contains material of a threatening or racial nature a copy of the correspondence will be forwarded to the Police.*

3.2 *Any verbal communication will be confirmed in writing (Model Letter 1).*

3.3 If the behaviour is not modified the Council may take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Councillors and members of staff:

- a) inform the complainant in writing that his/her behaviour is now considered by the Council to be unreasonable/unacceptable and, therefore, to fall under the terms of this guidance (see Model Letter 2);
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interest of all parties (see Model Letter 2);
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the Council should be by letter only (see Model Letter 2);
- d) in the case of physical or verbal aggression advice will be sought from the National Association of Local Councils (NALC) or the Police and the complainant may be warned about being banned from Council sites; or placed straight to a temporary ban;
- e) consider taking advice from NALC on pursuing a case under Anti-Harassment legislation;
- f) consider taking advice from NALC about putting in place a specific procedure for dealing with complaints from the complainant i.e. the complainant will not be able to deal directly with the Clerk but only with a third person to be identified by the Council. The third party will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Council accordingly.

3.4 If a complainant's persistent complaining/harassment behaviour is modified and is then resumed at a later date within a reasonable period of time, the Council may resume the process identified above at an appropriate level. In these circumstances advice may be sought from NALC.

### 4. REVIEW

4.1 The Council will review as appropriate, at a minimum of every year, any sanctions applied in the context of this guidance.



## MODEL LETTER 1: RECORDED DELIVERY

### INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

Dear

This letter is to inform you that Watton Town Council considers your actions in [describe actions, dates, behaviour] on ..... when you ..... to be unreasonable/unacceptable [delete as appropriate].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the Council's Complaints Procedure.

At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the Council's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the Council. This includes [select from list below or from within the policy]:

- ☐ treating others with courtesy and respect;
- ☐ resolving complaints using the Council's Complaints Procedure;
- ☐ not pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- ☐ not behaving obsessively, persistently, harassing or repetitious
- ☐ not behaving in an unreasonable manner
- ☐ not insisting in pursuing a complaint when the outcome is not satisfactory to the complainant

The Policy also indicates the steps that we may take if these standards are breached. These include:

- ☐ making special arrangements for meetings and communication with the Council;
- ☐ considering a ban from Council premises;
- ☐ considering legal action.

I would ask that you allow Watton Town Council time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

*To be signed by The Clerk or Chairman of the Council as appropriate.*

MODEL LETTER 2: RECORDED DELIVERY INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the Council:

For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to either the Clerk or the Chairman at the Council address.
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present and you may be accompanied by a "friend". You must however inform the Council who the friend is prior to the meeting;
- (c) in the interests of all parties, formal notes of this meeting may be made.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to the Council by [state ten working days from the date of the letter]. If on receipt of your comments the Council considers that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

*To be signed by the Chairman or Clerk.*