



The Meeting Rooms, Church Lane
St Arvans, Chepstow, NP16 6EU

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Complaints Related Policies Bundle

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Complaints Policy and Procedure

Adopted 9th May 2023

1.0 INTRODUCTION

St Arvans Community Council is committed to providing a quality service for the benefit of the people who live or work in its area or those who are visitors to the locality. If you are dissatisfied with the standard of service received from this council or unhappy about an action or lack of action by this council, this Complaints Policy and Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

2.0 THE PROCEDURE

- 2.1 This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how the Council has dealt with concerns.
- 2.2 This Complaints Procedure does not apply to:
- *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, it will be taken seriously and dealt with appropriately.
 - *complaints against councillors.* Complaints against councillors are covered by the Code of Conduct for Members adopted by the Community Council. If a complaint against a councillor is received by the Community Council, it will be referred to the Monitoring Officer of Monmouthshire County Council.
- 2.3 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 may also be the opportunity to raise your concerns in the public participation section of Council meetings. 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 You may make your complaint about the Council's procedures or administration to the Clerk. This can be done in person, by phone, or by writing to, or emailing the Clerk. The addresses and numbers can be found in the header on page 1 of this document.
- 2.5 Wherever possible the Clerk will try to resolve your complaint immediately. If this is not possible the Clerk will normally acknowledge your complaint within five working days.
- 2.6 The Clerk will try to resolve your complaint within a further 10 working days. If the matter cannot be dealt with within these specified timescales there will be an explanation and an indicative time by which a response will be made.
- 2.7 If your complaint is about the Clerk it should be made directly to the Chair of the Council who will report your complaint to the Complaints Committee.

- 2.8 The Clerk or the Complaints Committee will investigate each complaint, contacting you to obtain further information as necessary as well as obtaining information from employees or members of the Council and seeking advice from Monmouthshire County Council’s Monitoring Officer as appropriate.
- 2.9 The Clerk or Complaints Committee will normally notify you within 20 working days of the outcome of the complaint and of what action (if any) the Council proposes to take as a result. In exceptional cases the 20 working days timescale may have to be extended, in which case you will be kept fully informed of the reasons for the delay.
- 2.10 If you remain dissatisfied with the response to your complaint, you may ask for the complaint to be referred to the Chair of the Council for review. When reviewing your complaint, the Chair will convene a Complaints Panel.
- 2.11 When a Complaints Panel is convened, you will be invited to attend, explain the complaint and ask questions. The Clerk will respond and explain the reasons for reaching the decision taken and may also ask additional questions of you. Members of the Complaints Panel may ask questions of both the Clerk and of you, the complainant. Both parties will be asked to withdraw while the Panel makes a decision.
- 2.12 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 of the Council in writing within seven working days.
- 2.13 The Complaints Panel will be formed by the Personnel Committee (see Terms of Reference for the Personnel Committee).
- 2.14 Where a complaint is upheld the Clerk should report, to a subsequent meeting of Council, the action taken to ensure that the same mistake does not recur.

In the first instance, all complaints should be directed to the Clerk, who is the Council’s proper officer, on the contact details on page 1 of this document.



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Local Resolution Protocol (Internal Complaints)

Adopted 9th May 2023

1 BACKGROUND

The Public Service Ombudsman for Wales (PSOW) has agreed to the principle of referring some complaints against. St Arvans Community Council has put this policy in place to deal with these specific types of complaints.

2 THE LOCAL RESOLUTION PROCESS

2.1 Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing
- Repetitive low level and frivolous complaints

2.2 Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk/Proper Officer
- Vexatious, or malicious complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process

3 THE PROCESS

3.1 The Complaint

The complaint would need to be sent to the Clerk/Proper Officer of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

3.2 Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk/Proper Officer will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk/Proper Officer and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

3.3 Possible Results of the Process

If an agreement is reached by Members and/or officers during this Stage, then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

4 TIME FOR THE PROCESS

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.

5 POINTS TO NOTE

Any meetings held with a view to discussing the issues of complaints and/or resolving matters will be minuted, and could be recorded. This is to ensure that agreements are captured.

Investigations of possible breaches of the Code of Conduct are matters for the Ombudsman only. The Local Government Act 2000 gives him the authority to carry out such investigations. Possible breaches of the Code of Conduct should not be investigated by the Community Council, and the complainant will be given information on how to make their complaint to the Public Services Ombudsman for Wales.



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Vexatious Complaints Policy

Adopted 9th May 2023

1 INTRODUCTION

- 1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.
- 1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 1.3 We will not normally limit the contact which complainants have with council staff or offices.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include
 - Using abusive or foul language on the telephone
 - Using abusive or foul language face to face
 - Any form of intimidating or threatening behaviour
 - Sending multiple emails
 - Leaving multiple voicemails
- 1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2 AIM OF THIS POLICY

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, councillors, and residents.

3 DEFINITIONS

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"
- 3.2 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other peoples' complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

- 3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 3.4 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

An unreasonably persistent and/or vexatious complaint may be one where:

- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- there are no specified grounds for the complaint despite offers of assistance
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the complaint is about issues not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair or Clerk)
- there appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- there is an unreasonable number of contacts, by any means, in relation to a specific complaint or complaints
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails)
- attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- the complainant denies statements he or she made at an earlier stage in the complaint process
- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- the complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council’s independent auditor, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman

- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- the complaint is submitted and persistently pursued through different council departments at the same time
- the complaint remains “active” through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on a historic and irreversible decision or incident
- the complaint combines some or all of these features

4 IMPOSING RESTRICTIONS

- 4.1 We will ensure that the complaint is being, or has been, investigated properly according to our complaint’s procedure.
- 4.2 In the first instance the Clerk will consult with the Chair prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Council may take if the behaviour does not change.
- 4.3 If the disruptive behaviour continues, the Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with any other Council employee, Councillor or third party (for example, but not limited to, One Voice Wales) if they so wish.
- 4.4 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 may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
 - Banning the complainant from sending emails to councillors, individual and/or all Council officers and insisting they only correspond by letter
 - Banning the complainant from accessing any Council building except by appointment
 - Requiring contact to take place with one named member of staff only
 - Restricting telephone calls to specified days / times / duration

- Requiring any personal contact to take place in the presence of an appropriate witness
 - Letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
 - Informing the complainant that any further complaints from him or her will only be considered if the Clerk agrees that it warrants investigation
- 4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:
- why the Council has taken the decision,
 - what action the Council is taking,
 - the duration of that action,
 - the review process of this policy, and
 - the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.
- 4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.
- 4.8 Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Council 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.

5 NEW COMPLAINTS FROM COMPLAINANTS WHOSE PREVIOUS COMPLAINTS HAVE BEEN TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.
- 5.2 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Council.

6 RECORD KEEPING

- 6.1 Adequate records will be retained by the Council recording details of the case and the action that has been taken and these will set out:
- The name and address of each complainant who is treated as abusive, vexatious or persistent
 - When the restriction comes into force and ends
 - What the restrictions are
 - When the complainant and Council were advised