



# Penrith Town Council

## COMPLAINTS POLICY & PROCEDURE 2022

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## 1. Overview

Penrith 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 this Council, or are unhappy about an 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.

This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.

- a. This Complaints Procedure does not apply to:
  - i. Complaints by one Council employee against another Council employee
  - ii. Complaints between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures
  - iii. Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members and, if a complaint against a Councillor is received by the Council, it will be referred to the Standards Committee of Eden District Council.
- b. 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.
- c. 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.
- d. You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Town Clerk.
- e. Wherever possible, the Town Clerk will try to resolve your complaint immediately and informally. If this is not possible, the Town Clerk will normally try to acknowledge your complaint within five working days.
- f. If you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Chair who will report your complaint to the Complaints Committee of the Council if he/she is unable to deal with your complaint informally.
- g. Each complaint will be investigated obtaining further information as necessary from you and/or from staff or members of the Council.

- h. You will receive notification within 20 working days of the investigation the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint.
- i. In some cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.
- j. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

## 2. Who to complain to:

If you have a complaint against a Town Councillor, you should write to:



The Monitoring Officer  
Legal and Democratic Services  
Eden District Council, Town Hall, Penrith,  
CA11 7QF



If you have a complaint against an employee of the Town Council, you should write to the Chair of the Council.



If you have any other complaint, you should write to the Town Clerk.

In order for your complaint to be dealt with, the following procedures are in place so you can be assured your complaint will be properly and fully considered.

## 3. Procedure for complainants

We want to provide high quality service at all times. If you feel any aspect of our service has been at fault we want to know about it and investigate. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practice. They help us improve our service to residents, visitors, and those working within the town.

This policy and procedure note is for members of the public considering making any complaint to the Council, whether minor, serious, informal or formal and applies to all services provided by the Council.

## 4. What is a complaint?

People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by the Council or any of its employees.

For example, a complaint could be where you are not happy about:

- The service you have received from us – including our staff, volunteers, or contractors who work on our behalf.
- Things you think we should have done or have not done – either by law or by established practice.
- Where you think we have not followed adopted procedures or policies.

### **We aim:**

- ✓ To deal with complaints impartially, objectively, and swiftly;
- ✓ To find a solution locally, whenever possible, to the satisfaction of all parties

## 5. How to complain

We want to put things right as quickly as possible and this may usually be done if you speak directly to the staff providing the service first before moving to a more formal complaint.

### **Informal - stage 1**

- a. If you feel that the staff response has not dealt properly or fully with your complaint, you should contact the Town Clerk.
- b. If your complaint involves the Town Clerk, please go straight to Stage 2.
- c. Contacting the Town Clerk can be done by telephone, email, in person or in writing. You should give your name, address, relevant dates and as much information as possible to help us deal with the complaint
- d. Once we receive your complaint, we will acknowledge receipt. We will make a written record, noting your name and contact details, and the nature of the complaint.
- e. We will then investigate, obtaining further information as necessary from you, staff, or Councillors.
- f. Within twenty working days we will send you a full written reply, or let you know if our reply will take longer, explaining the reason for the delay.

- g. If we do not hear from you within ten working days of our reply, we will close the complaint.
- h. A record of the complaint and investigation will be kept for six years.

## **Formal - stage 2**

- a. We hope that by now we will have resolved your complaint. However, if we haven't, and providing you have been through Stage 1, you will be asked to give a reason why you remain dissatisfied.
- b. If your initial complaint involves the Town Clerk, you should write to the Chair of the Council who will report to the Staffing sub-committee of the Council.
- c. Your complaint will be investigated following the procedure outlined in the box below.
- d. If the complaint is against a procedure administered by the Town Clerk a member of the Councillor will investigate the complaint and report to the committee and make representation in a hearing.

## **6. Complaint Hearing Procedure at a Staffing Sub-Committee Meeting**

- a. We will consider whether the circumstances warrant exclusion of the press and public.
- b. Chair introduces all present, and explains the procedure.
- c. Complainant or their representative outlines the grounds of the complaint.
- d. Members can ask any question of the complainant or their representative.
- e. If relevant, the Town Clerk or other member of staff or Councillor explains the Council's position.
- f. Members can ask any question of the Town Clerk or other member of staff or Councillor
- g. Town Clerk, staff or Councillor, and then the complainant are offered the opportunity of a last word.
- h. The Town Clerk, staff, or Councillor and the complainant leave the room while members decide whether the grounds for the complaint have been made.
- i. If a point of clarification is necessary, all parties will be invited back.
- j. The parties return to hear the decision, or are advised when the decision will be made (The Committee / Council can defer making a decision if it needs to wait for legal advice or further information).
- k. The decision is confirmed in writing within twenty working days - with details of any action to be taken.
- l. Decisions on complaints may be announced in public at a future Council meeting.
- m. A record of the complaint and investigation will be kept for six years.

- n. We will try to complete the whole Stage 2 procedure within eight weeks.

## **7. Dealing with unreasonable and persistent complainants**

- a. This policy contains a protocol that sets out the actions that the Council can take when dealing with either unreasonably persistent contact, unacceptable behaviour from people, vexatious or/and unfocussed complaints. This protocol is expected to apply to very few people.
- b. No action under the policy will ever allow a potentially serious issue affecting public or councillor safety to go uninvestigated.
- c. The Council, its Councillors', employee and personnel work closely with members of the public. In doing this, we are often approached by a range of people for a variety of reasons. We aim to provide an excellent level of service to everyone who contacts us.
- d. Everybody is entitled to be treated respectfully, courteously and in a polite manner. Anybody who raises an issue with us has a right to expect us to deal with it fully and fairly. When dealing with people we do not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do.
- e. The Town Council's policy for dealing with unreasonable and persistent complainants will be enforced if the complainant is deemed to be unreasonable and persistent by the Councils' solicitor.

## **8. Definitions**

### **Unreasonably persistent**

- a. Persistent complaining over the same issue.
- b. Persistence will be defined as the same or similar complaint made, irrespective of to whom in the Council, on a number of occasions.
- c. Persistently seeking an outcome that the Council has already explained is unrealistic for policy, legal or other valid reasons.
- d. Unreasonably persistent people are those who, because of the frequency or nature of their contacts with us, and is inappropriate, disproportionate or excessive.
- e. Complainants who are unreasonably persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints/issues which appear to have no substance or which have already been investigated and determined.
- f. In dealing with people, we recognise that our resources including staff time have to be used where they can provide the most value. This might mean that we cannot respond to every complaint/issue in the way a person would like. Examples of the types of actions / behaviour which may cause this policy to be used are noted below.

### **Unfocused**

Where the complainant's issues are either too vague, imprecise as to time, place, personnel, or constantly shifting as to what is sought to be resolved.

### **Vexatious**

The regulatory bodies, the Local Government Ombudsman and the Information Commissioner's Office, have itemised what they consider vexatious. While not exhaustive, the examples below illustrate the variety of behaviours to which the Council will respond to protect its staff and resources:

- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Making persistent and unreasonable demands on Council staff after the unreasonableness has been explained. An example would be a complainant who insists on immediate responses or sets the Council unreasonable deadlines.
- Taking a 'scatter-gun' approach to their complaints, for example within the Council or using MPs, elected members, or regulatory bodies.
- Refusing to specify the grounds of their complaint despite offers of assistance.
- Refusing to cooperate with the Council's investigation of the complaint, insisting on their demands being met without such an investigation.
- Refusing to accept that issues are not within the power of the Council to investigate, change or influence. An example would be a problem caused by the private sector rather than the Council.
- Insisting that the complaint be dealt with in ways other than the Council's complaints policy or equivalent. For example insisting there are no written records made of the complaint.
- Refusing to accept the outcome of the complaint or data access process after the Council's considered final response, repeatedly arguing the point, or denying that this was an adequate response.



- Insisting a minor variation in the original complaint means that it is a 'new' complaint requiring a new Council response.
- Where the complainant can be evidenced to be verbally or physical abusive, threatening or violent in their contact with the Council over the issue.
- Where the complainant keeps shifting the focus of the topic or relevant staff involved with the complaint.
- Where the complainant has been significantly partially or wholly untruthful in their complaint or data access request.

### **What is unacceptable behaviour?**

- a. We expect our staff to be treated with courtesy and respect.
- b. We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to distinguish between distress, frustration, forcefulness and determination and behaviour which are unacceptable.
- c. Unacceptable behaviour is defined as:
  - behaviour or language (whether oral or written) that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

## **9. How do we deal with this behaviour?**

- a. If unacceptable behaviour occurs, the staff member, or Councillor should explain to the individual why their behaviour is unacceptable. The member of staff should then give the individual the opportunity to stop the unacceptable behaviour and explain that if they carry on it will result in the conversation being ended. If the behaviour continues, the member of staff should tell the individual politely that they are ending the conversation.
- b. Once the conversation has ended note should be made of the conversation with a clear description of the unacceptable behaviour that was demonstrated by the member of the public.
- c. This note should be saved to the complaints folder and a copy shared with the Town Clerk. Please be aware when writing the note, that this information would be disclosable under the Data Protection Act 1988.
- d. The member of staff should inform the Town Clerk of such contact, be given the opportunity to talk about it and offered any other support necessary to ensure their well-being.
- e. Even at any point you have concerns for your personal safety, you should summon support from another staff member and/or police.

## 10. Dealing with unreasonable and persistent complainants

The procedure for dealing with will be implemented as follows:

- a. In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of our staff. In such circumstances, the Town Clerk, may, without warning to the person, refer the case to the Police or instigate civil proceedings.
- b. A complainant will be notified that the Council's Protocol for dealing with Unreasonable, Persistent, Vexatious or Unfocussed Complaints and Data Requests Protocol complaints is to be enforced, together with the reason why. The complainant will then be asked to:
  - i. Restrict contact to one method.
  - ii. Request contact with the Town Council in a particular form (for example, letters only).
  - iii. Request contact to take place with a named officer or Councillor.
  - iv. Restrict telephone calls to specified days and times.
  - v. Accept contact through a third party.
  - vi. and/or be asked to enter into an agreement about future contact with the Town Council
- c. The Council may decide to only acknowledge or file correspondence unless new information is presented, refuse to accept further telephone calls and/or restrict the issues we will correspond on.
- d. Any action taken will be reasonable, proportionate and balance the interests of the member of the person with the duty to protect the health, safety and well-being of our staff.
- e. The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.
- f. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.
- g. The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required.
- h. If deemed to be a fair challenge, the Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.
- i. If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication.
- j. The case will only be re-visited if the complainant can provide fresh evidence that may affect the Council's previous decision concerning the original complaint.
- k. If the Council feels that re-opening the complaint cannot be justified the complainant will be notified in writing that the case has been closed and there will be no further communication.
- l. New complaints received from complainants previously deemed to be unreasonable and or vexatious will be treated on their merits.
- m. Complaints will be kept on file for no more than six years.

## **APPENDIX A**

### **Unreasonable, Persistent, Vexatious or Unfocussed Complaints and Data Requests Protocol**

This protocol describes how Penrith Town Council applies the Local Government Ombudsman and Information Commissioner's guidance on individuals who the Council perceive as unreasonable, persistent vexatious or unfocused complainants in relation to specific issues.

Where the complaints relate to data, sharing this document has been prepared in terms of the Council's obligations as a "data controller" under the GDPR 2018 and the Freedom of Information Act 2000.

The protocol sets out a set of principles and procedures for both staff in an attempt to either resolve the difficulties encountered or gain sufficient evidence to cease responding to the complaints or data access request by means of defining them as unreasonable, persistent vexatious or unfocused. It aids in assessment, monitoring and processing of the difficulties and attempts to resolve them.

#### **Organising Principles**

- a) The Council recognises that a small minority of complainants and data access seekers cannot work within the Councils usual procedures. Therefore there needs to be an equitable 'due process' offering equivalent rights to either facilitate resolution of the issues raised or where this is not possible conclude ongoing contact with the complainant over the specific concerns.
- b) There is a consistent need to obtain clarity and focus on complaints and enquiries. This is applicable to both complainant and Council.
- c) The Council has an obligation to protect its staff and resources from the complainant's unjustifiable actions.
- d) The formalised assessment process is an opportunity to verify the Council has listened to the complainant, and evaluated its options and rationale when responding. It should evidence a review by senior Officers of the circumstance, context, and sufficiency of communication with the complainant.
- e) The complainant should not be under or over serviced by the Council about the complaint or data access sought.

## **Anticipated Outcomes**

- a) A formalised assessment of the issues will be undertaken. The findings will be recorded and shared with the complainant. This will be led by senior officers, solicitor, Council Chair and Vice Chair (the Senior Management Team (SMT)). Note senior officers includes the Town Clerk.
- b) Potentially sufficient agreement and focus have been created to enable a Council response to the applicant's request.
- c) Potentially the Council may eventually decide to protect its resources and staff by refusing to deal with the set of issues raised by the complainant as they can evidence they are vexatious in nature.

An overview of the process is outlined in **Appendix 1**.

## **The Council's response to unfocused or vexatious behaviours**

- a) Once sufficient evidence around seeming unfocused or vexatious behaviour is collected, the first step is take the issue, with relevant evidence, to the Senior Management Team. They will decide if the conditions are met to put one or other of the following two methods in place. Which method depends on the severity and longevity of the complainant's actions:
  - Focussing and expectation agreement with complainant. Details provided below with a covering letter and template in **Appendix 2**.
  - Where sufficient evidence already exists, the Council's Legal Officer will be requested to draft a letter of vexatious status to the complainant. Template provided in **Appendix 3**.
- b) A failure by the complainant to meet the focusing agreement requirements will lead to the vexatious status statement and be used as evidence of good will and intent by the Council to any subsequent regulator's investigation.

## **Focussing and expectation agreement with complainant**

- a) An agreement would be drawn up between the complainant and the Council. This will need to be visible to all parties and would ideally be signed. The agreement should recognise that while the complainant has the same complainant rights as any other, there is a need for extra support to gain focus, clarity and structure.
- b) If these cannot be obtained the Council cannot resolve the complaint/s and will therefore not progress the complaint.

c) A central principle is the complainant should not be under or over serviced by the Council or its workforce. The component elements of the agreement should be:

- Boundaries of relevant Council staff involvement
- Respective responsibilities of complainant and Council
- Forming realisable expectations with complainant
- Contact and authority structure for complainant
- Time frames, deadlines, key information required, communication methods, and closure steps
- List of options for action
- Mutual goals
- Signatures

### **Boundaries of Council staff involvement**

- a) There will be a single point of contact (SPOC) person for the complainant. The SPOC will have a support supervisor for this specific case who overviews, reviews and supports the staff member.
- b) **ALL** communications relating to the complaint or data request must take place via the SPOC.
- c) The SPOC may at times ask any Council staff to get involved if required but the principle is that this is the SPOC's decision. If the SPOC becomes unavailable, the complainant will be informed of a replacement.
- d) If the complainant complains about the SPOC, they will need to outline and evidence their complaint in writing, and send it to the Council Chair.
- e) The Council Chair will then communicate with the complainant as to whether they consider the complaint justified to the extent they replace the SPOC.

### **Respective responsibilities of complainant and Council**

#### **The complainant should:**

- State their complaint in an organised manner without excessive or extraneous material. They should be signposted to advocacy services to support them to do this if necessary.
- Provide all required information in a timely and complete manner – not in dribs and drabs over time.
- Provide only factual and truthful material.
- Use the SPOC and not bring other organisational staff into responding to their complaint/s
- Refrain from personal remarks, offensive or threatening behaviour.

### **Council staff should:**

- Respond via the SPOC in an accurate, timely, and truthful manner.
- Unless agreed with the SPOC redirect all communications relating to the complaint back to the SPOC.
- Offer the complainant the same level of service as any other complainant.

### **Forming achievable expectations with complainant**

- a) A key function of the SPOC - with support - is to clarify WHAT the grounds for complaint are. Without this, the complaint response cannot progress.
- b) If the complainant subsequently compounds, confuses, or keeps adding complaints, they will explain this is not acceptable as it presents the Council with a shifting and unclear complaint.
- c) If the complainant has further complaints these may await the outcome of the original complaint as this may answer all subsequent complaints.
- d) It will be explained:
  - All further complaints around the same issue will not be considered until the initial one is completed
  - The Council will not respond to a further complaint as this was outlined at the outset of the original complaint.
  - It may be appropriate to bring complaints together at a later stage of the process.

### **Contact structure for complainant**

- a) Communications will be via:
  - Letter or email
  - Phone calls
  - In person interviews
- b) The SPOC will be where the complainant is directed to go for ALL complaints – except a complaint about the SPOC.
- c) It will be explained while they may attempt to contact others in the organisation, including senior managers, they will only redirect them back to the SPOC.

## **Time frames, deadlines, key information required, communication methods and closure steps**

The SPOC will outline in written form what these expectations are. They are clearly interdependent. For instance, until key information is acquired from the complainant, time frames and deadlines cannot be established. Given the SPOC may be contacting busy scales. If they complain further about non-response, they will be directed to the agreed time scales.

### **List of options for action by the Council**

- a) The Council may highlight a number of options for action including;
- Refuse to process complaints which are persistent, confused, and / or contain excessive or extraneous material after the Council's attempt to clarify them with complainant.
  - Refusing to register and process further complaints about what it perceives as the same matter.
  - Placing of limits on the number and duration of contacts per week or month.
  - Offer restricted time slot for necessary calls.
  - Limiting the complainant to one contact medium – letter, email, and phone.
  - Requiring the complainant only contact one member of staff.
  - Any personal contact takes place with a staff witness.
- b) In brief, the implementation sequence for any of the above options starts with SPOC liaising with relevant officer who will write to complainant outlining why their behaviour is of concern and what actions will follow if it does not cease.
- c) Restrictions will be proportionate and appropriate and recognise individual circumstances and inform the complainant of their right to refer to the Information Commissioner.
- d) If progress is impeded by the complainant's actions, the matter will be returned to the Senior Management Team for decision whether to escalate to Vexatious status.

### **Mutual goals (mutual where possible with the complainant)**

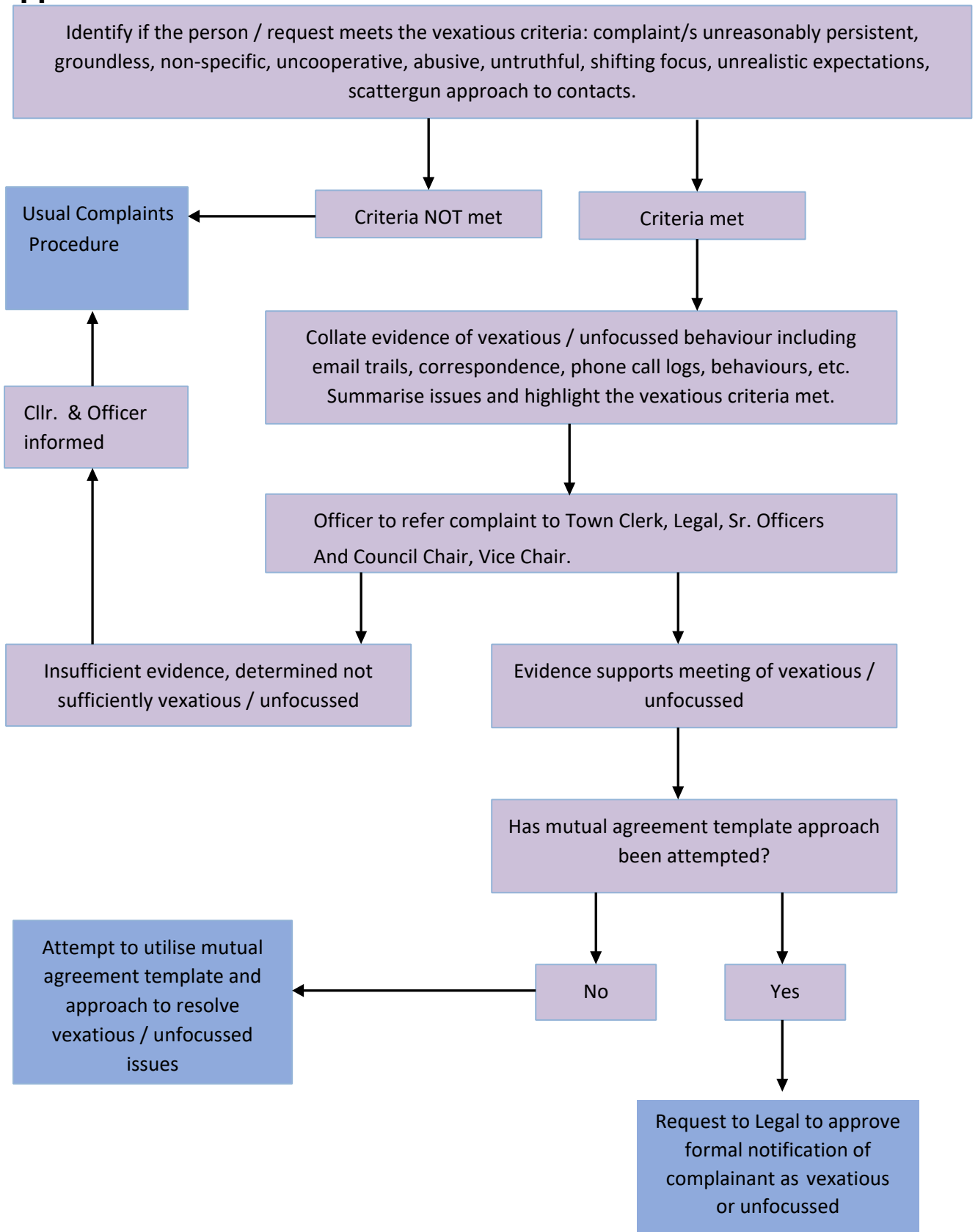
- a) Where possible the Council is keen that the above are mutual goals and principles shared between the complainant and the Council. It is the obligation of the complainant to briefly and clearly state what they cannot agree with and why. The Council will decide if they can modify it accordingly.
- b) The agreement and any complainant response to it will potentially be shared with any regulator such as the Information Commissioner's Office and professional body to whom the complainant may turn. It should provide evidence of Council goodwill and openness while requesting structure and clarity from the complainant.

### **Signatures to agreement**

- a) These will be sought where possible. If the complainant refuses to sign, it will be recorded for evidence to any regulatory body that they were offered the opportunity.
- b) It is acceptable for them to verbally agree to the agreement and the Council record such agreement.



## Appendix 1 Flowchart



## **Appendix 2 – Mutual Agreement Template**

If it is decided that it might be possible for the complainant and Council to come to mutual agreement over a set of agreed components relating to their complaints/enquiries the following covering letter and agreement template should be used. The sections are described in more detail above. The following recognises while the complainant has the same complainant rights as any other, there is a need for extra support to gain focus, clarity and structure.

### **Covering letter to accompany Mutual Agreement Template**

#### **Re: Your Contact with Penrith Town Council**

I write with reference to your complaints to the Council/requests for information under the DPA /FOIA as detailed below:

XXXX

Your contact with the Council has been considered in line with the Council's policy on 'Vexatious or Unfocused Complaints and Data Requests' and to assist in resolving your complaints / requests, the Council consider it appropriate to enter into an agreement with you on how your contact with the Council will be managed in the future.

Please find enclosed a draft agreement for your consideration and if you are happy with the contents, I shall be very grateful if you could sign a copy and return it to me at your earliest convenience.

Alternatively, you could confirm your agreement via email to: [townclerk@penrithtowncouncil.gov.uk](mailto:townclerk@penrithtowncouncil.gov.uk).

I trust you will view this as a positive development in your relationship with the Council, which is advanced as a way in which your complaint / request can be appropriately resolved.

Yours sincerely

## **Mutual Agreement Template**

### **Boundaries of Council staff involvement**

The Council and complainant agree to work through a single point of contact in order to ensure consistency and appropriateness of contact.

#### **Single Point of Contact Details:**

Add in contact details ...

Job title

Contact details

E-mail

Phone No

Address

#### **Person to contact if you wish to complain about the single point of contact:**

Add in contact details ...

Job title

Contact details

E-mail

Phone No

Address

### **Respective responsibilities of complainant and Council**

Adjust the following to include complainant name and add / remove any criteria as necessary.

Complainant agrees to:

1. State my complaint in an organised manner without excessive or extraneous material
2. Provide all required information in a timely and complete manner – not in dribs and drabs over time.
3. Provide only factual and truthful material.
4. Use the single point of contact and not contact other organisational staff regarding my complaint/s.
5. Refrain from personal remarks, offensive or threatening behaviour.

The Council agrees to:

1. Respond via the single point of contact in an accurate, timely, and truthful manner
2. Unless agreed with the single point of contact, redirect all communications from the complainant back to the single point of contact.
3. Offer the complainant the same level of service as any other complainant.

### **Forming achievable expectations**

Use this section to clarify what the complainant's key issues are and identify the grounds for the complaint.

**The primary complaint is:**

### **Contact structure for complainant**

Outline the expected way that contact with the single point of contact will be made (letter, email, phone, in person, etc.)

**Contact structure:**

### **Time frames, deadlines, key information required, communication methods and closure steps**

Complete specific details relating to these areas that are realistic and specific. Particular effort should be made to closure steps and definition of when the complaint will be considered to be closed and no further action will be taken. These elements should be clear and unambiguous.

### **List of options for action**

Where appropriate agree limitations to the actions to be taken by both parties when dealing with the complaint. These could include but are not limited to:

- Refuse to process complaints, which are persistent, confused and contain excessive or extraneous material after the agencies initial attempt to clarify them with complainant.
- Refusing to register and process further complaints about what it perceives as the same matter.

- Placing of limits on the number and duration of contacts per week or month.
- Offer restricted time slot for necessary calls.
- Limiting the complainant to one contact medium – letter, email, and phone.
- Any personal contact takes place with a staff witness.

### **Mutual goals**

Where possible the Council are keen that the above are mutual goals and principles shared between the complainant and the Council. It is the obligation of the complainant to briefly and clearly state what they cannot agree with and why and the Council will decide if they can modify it accordingly.

The agreement and any complainant response to it will potentially be shared with any Council regulator such as the, Information Commissioner’s Office and professional body to whom the complainant may turn. It should provide evidence of Council goodwill and openness while requesting structure and clarity from the complainant.

### **Signatures to agreement**

**Signature**

**Date**

*Complainant/s*

\_\_\_\_\_

*Senior Management Team  
Representative*

\_\_\_\_\_

**Once completed the agreement should be copied to: Complainant/s, Senior Management Team and single point of contact.**

### **Appendix 3 – Vexatious Status Letter**

Template for letter of vexatious status to complainant – to be completed by Legal and approved by SMT.

#### **Re: Your Contact with Penrith Town Council**

I write in connection with your recent communications with Penrith Town Council, which I consider to be vexatious. I will detail the action that we will take as a consequence of that decision. I have reviewed the considerable amount/nature of communications and have summarised events in the attached document.

It is my decision that you should now be considered a vexatious complainant for the following reasons:

- You have made groundless complaints and claims against the Council and its officers
- You have made an unreasonable amount of contacts with the Council in relation to matters which have their origin in events of XXXXX
- You make the same complaints repeatedly
- You continually raise subsidiary issues / complaints
- Your complaints are often vague, not backed by evidence and / or difficult to comprehend
- You contact many officers or Councillors within the Council
- You refuse to accept the outcome of the complaints process
- You refuse to accept documentary evidence
- Your repeated contacts with Council officers is placing unreasonable demands on staff time and resources
- You have threatened legal proceedings against the Council on a number of occasions but we have not been served with any court papers
- Your communication has included use of threats, intimidation or violence
- Your communication has included use of abusive, offensive or discriminatory language

Please note that in future Penrith Town Council will not reply to or acknowledge any further contact from you on any matter directly or indirectly related to the matters described above.

I will review this decision in 6 months' time and you will be informed of the outcome of that review.

When making this decision I have considered the Local Government Ombudsman's Guidance on managing unreasonable complainant behaviour and I consider this to be a just and proportionate response.

However, if you submit any further complaints not related directly or indirectly to matters referred to above those complaints will be considered on their merits according to the appropriate process.

**Signed:**

**Date:**

## **Appendix 4 More Information**

Background information from the Information Commissioner's Office and Local Government Ombudsman relating to vexatious requests.

### **Information Commissioner's Office**

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

### **Local Government Ombudsman**

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

**Approved: May 2015**

**Reviewed: Annually**