**WOODLAND PARISH COUNCIL**

**COMPLAINTS PROCEDURE**

**Updated June 2025**

This complaints procedure is designed to deal with complaints made about the Council’s action or perceived lack of action, or about the standard of a service, whether the action was taken or the service provided by the Council itself acting as a body corporate, or by a person or body acting on behalf of the Council.

Any complaint can only be processed by the Council at a properly convened meeting of either the full Council or of a Committee tasked with investigating the matter.

Any complaint that involves one of the Council’s employees will be dealt with in the first instance via this complaints procedure, and if any further action is required, then in accordance with the Council’s internal employment processes.

Please be aware that there are other bodies with responsibility for certain types of complaint:

**• Individual member’s conduct alleged to breach the Code of Conduct adopted by the Council:-**

The relevant principal authority Monitoring Officer should be contacted. Durham County council has responsibility for such matters Complaints are made to the Standards Committee and must be in writing. You need to tell them who the complaint is about and explain the reasons why you think they have not followed the Code of Conduct. Available at DCC Do it Online – Complaints about councillors.

**• Alleged financial irregularity:-**

Local electors have a statutory right to object to a Council’s audit of accounts (Audit Commission Act 1998 s.16)

**• Alleged criminal activity:-**

The Police

**Before the meeting**

1. Any complaint about the Council’s procedures or administration should be made in writing to the Clerk to the Council.

2. If the complainant does not wish to make the complaint via the Clerk to the Council, it should be addressed to the Chairman of the Council.

3. The Clerk to the Council/Chairman will acknowledge receipt of the complaint and advise when the matter will be considered by either the Council or a nominated Committee working on behalf of the Council.

4. Please be aware that any complaint will be treated as confidential, and that the council is obliged to comply with its duties under the Data Protection Act 1998 at all times to safeguard against the unlawful disclosure of personal data.

5. The complainant will be invited to attend the meeting at which the complaint will be considered, and be offered the opportunity to be accompanied by a representative, if required.

6. Seven clear working days prior to the meeting, the complainant is required to provide the Council with copies of any documentation or other items on which the complaint is based.

7. The Council will provide the complainant with copies of any documentation upon which it wishes to rely at the meeting and shall do so promptly, allowing the opportunity to read all material in good time for the meeting.

**At the meeting**

8. The council shall exclude the public and press whilst discussion of the matter takes place. Any decision on a complaint shall subsequently be announced at a meeting in public, whilst taking into account any duties to safeguard personal data as under (4) above.

9. The Chairman will introduce everyone at the meeting, and explain the procedure to be followed.

10. The complainant will be asked to outline the grounds for the complaint, and thereafter, questions may be asked by (i) the Clerk and (ii) members of the Council.

11. The Clerk to the Council will then have an opportunity to explain the Council’s position and questions may be asked by (i) the complainant and then (ii) members.

12. The complainant will be offered the opportunity to summarise their position.

13. The Clerk will be offered the opportunity to summarise the position on behalf of the Council.

14. The Clerk and complainant will both be asked to leave the room whilst members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

15. The complainant will be given the opportunity to await the outcome but if a decision is unlikely to be finalised quickly, will be advised when a decision is likely to be made and communicated to them.

**After the meeting**

16. Any decision will be confirmed to the complainant within seven working days, together with details of any further action to be taken.

17. The Council’s decision on the matter will be final, and no further appeal process will be offered.

**Habitual or vexatious complaints**

1. Habitual or vexatious complaints can be a problem for officers and Members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on council priorities. Whilst Woodland Parish Council will endeavour to process all complaints under their complaints procedure, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. In this policy habitual means done repeatedly or as a habit. Vexatious means a complaint brought for the purpose of annoying another person and with no reasonable prospect of success.

3. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of: (i) Unreasonable complaints and/or unrealistic outcomes; and/or (ii) Reasonable complaints in an unreasonable manner.

4. Prior to considering its implementation, the Parish Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

5. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A, Woodland Parish Council will consult with a majority of Councillors to seek agreement to treat the complaint as habitual or vexatious and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.

6. Woodland Parish Council will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

7. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by Woodland Parish Council. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

**Schedule A – Criteria for determining habitual or vexatious complaints**

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 of the following criteria. Where complainants:

1. Persist in pursuing a complaint where the local assessment process has been fully and properly implemented and exhausted.

2. Persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)

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 after a long period of time has elapsed.

4. Repeatedly do not clearly identify the precise issues which they wish to complain about despite reasonable efforts of officers to help them specify their concerns and/or where the concerns identified do not fall within the remit of the local assessment process.

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 a trivial matter is can be subjective and careful judgement will be used in applying this criterion.

6. Has threatened or used physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued to be written communication. Woodland Parish Council must determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.

7. Have in the course of addressing a complaint to Woodland Parish Council had an excessive number of contacts with the Council, placing unreasonable demands on members and officers. A contact may be made in person by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.

8. Have harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Woodland Parish Council recognises that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

9. Are known or reasonably considered to have recorded meetings or face to face/telephone conversations without the prior knowledge or consent of the parties involved.

10. Make unreasonable demands on Woodland Parish Council and its employees and fail to accept these may be unreasonable, for example insist on an action being taken by Woodland Parish Council which falls outside of its remit.

11. Make unreasonable complaints which impose a significant burden on the human resources of the Parish Council and where the complaint: a) Clearly does not have any serious purpose or value; or b) Is designed to cause disruption or annoyance; or c) Has the effect of harassing the Parish Council; or d) Can otherwise fairly be characterised as obsessive or manifestly unreasonable

12. Make repetitive complaints and allegations that ignore the replies the Parish Council has supplied in previous correspondence

**Schedule B – Options for dealing with habitual or vexatious complaints**

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

A letter to the complainant setting out responsibilities for the parties involved if the Monitoring Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

1. Decline any contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact and the complainant is notified of this person.
2. Notify the complainant in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but 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 habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

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