



**AXMINSTER TOWN COUNCIL**

# **Enquiries & Complaints Policy**

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## **1. Introduction**

As a Town Council we are here to serve the community we represent.

Often our residents seek information or advice by contacting us through email, letter or by telephone.

We also occasionally receive complaints either about the Town Council or its policies/actions, or about a third party.

1.1. We make every effort to provide a first-rate service in all interactions with our stakeholders.

1.2. We endeavour to deal with all enquiries and complaints equitably, comprehensively and in a timely manner.

This policy sets out our code of conduct for dealing with communications to the Town Council, whether they be email, written or verbal.

It will also describe how communications can become a problem and how we would deal with them.

## **2. Enquiries**

2.1. The council will accept enquiries either by email, mail, or verbally. If a written response is required, the initial contact should be made in writing.

2.2. Should you require confirmation of receipt of your initial communication you must inform us at the time of the request.

2.3. You may contact the council either through individual councillors or through a member of Town Council staff. We will respond to your communication at the earliest possible opportunity. Please be aware that it may be necessary for them to seek information from a third party, which may increase the time taken to respond.

2.4. Where possible, the reply will acknowledge any source material quoted in its response.

2.5. Where an individual Councillor's response is sought please be aware that this may well be subject to personal opinion. Axminster Town Council in its entirety is the governing body and no individual councillor may make agreement or policy decision without the full knowledge and consent of full council.

2.6. Response to a request does not constitute an open debate on any subject. And having fulfilled a request the Town Council are not obliged to make any further comment on a similar subject within a short time frame.

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.

2.7. The Town Council and the staff thereof retain their right to refuse to respond to any enquiry which by its nature is offensive or illegal and may hand any enquiry deemed as such to the police.

### **3. Complaints**

3.1. Complaints will usually fall into two categories:

- A complaint to the council
- A complaint about the council

3.2. A complaint to the council may result in a direct response or be referred to a third party.

3.3. Where a complaint is received it will be acknowledged immediately and an indication of the next step given.

3.4. A complaint will be dealt with by which ever avenue is appropriate to its nature.

3.5. We will aim to deal with all complaints within seven working days however where outside advice is necessary, we may need to extend the period to accommodate this and will inform the complainant.

3.6. We do not envisage that any complaint that we may deal with would be a matter of urgency and that any matters of urgency would be referred to the emergency services.

3.7. No individual councillor can be expected pass judgement on any complaint as their individual assurance would not be binding unless it quoted current Axminster Town Council policy

3.8. A complaint does not form a dialogue between the Town Council and the complainant. When an answer has been issued no further response will be available.

### **4. A complaint about the council**

4.1. In the event of a complaint aimed at the council, an individual councillor, council policy or any action taken by the council.

4.2. The complaint will be logged by the Administrative Officer in the complaint logbook stating the date and the nature of the complaint.

4.3. Where a complaint of this nature is received, we will acknowledge receipt of the complaint and try to indicate the next step.

- 4.4. Complaints against Councillors should be made to East Devon District Council's Monitoring Officer and we will advise complainants of this so that they can redirect their complaint.
- 4.5. Complaints against Council staff will be dealt with by their line manager in the first instance and may be referred to the Employment Committee and then to the Deputy Mayor or to the Mayor.
- 4.6. A complaint will be dealt with by which ever avenue is appropriate to its nature.
- 4.7. A complaint may be referred to an outside adjudicator for a decision.
- 4.8. We will strive to deal with complaints in the shortest time span possible usually within seven working days. Should we need further time to investigate the complaint, i.e. should we need to speak to a third party or consult a professional body, we will inform the complainant. We would endeavour to resolve all complaints within thirty days.
- 4.9. We do not envisage that any complaint that may be levelled against us would be a matter of urgency. Any matters of urgency should be referred to the emergency services.
- 4.10. No individual councillor will be expected to pass judgement on any complaint as their individual assurance may not be binding unless it cites current Axminster Town Council policy.
- 4.11. A complaint does not form a dialogue between the Town Council and the complainant. When an answer has been issued no further response will be entered into.

## **5. Dealing with vexatious communications**

The Freedom of Information Act 2000 states that:

- "Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious."
- "Section 2 Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request."

- 5.1. The Council has adopted the Local Government Ombudsman's definition of vexatious complaints as received from "those complainants who because of the nature or frequency of their contacts with an organisation hinder the organisation's consideration of their or other people's complaints".

- 5.2. Complaints may be rejected at any time if, in the opinion of the Council or a relevant Committee, they are repetitious or prolific or unreasonable in nature, are pursued in an unreasonable and/or obsessive manner, expect unrealistic outcomes or are presented in an unreasonable manner.
- 5.3. We do not expect staff to tolerate unacceptable behaviour by complainants or any customer this includes behaviour which is abusive, offensive, or threatening this may include:
- Speaking/writing to a member of staff in a derogatory manner.
  - Using abusive or foul language.
  - Sending multiple emails
  - Leaving multiple voicemails
  - Making unfounded accusations
  - Making unfounded assumptions
- 5.4. We will take action to protect staff from such behaviour.
- 5.5. Examples of what the Council consider to be vexatious complaints can be found in Appendix A.
- 5.6. A three-stage process will be implemented in respect of a complaint deemed to be vexatious.
- 5.7. **STAGE 1** If it is agreed by the majority of the Town Council that the complaint falls under the definition of vexatious, the Mayor will send letter 1 in Appendix C to the individual to say that their behaviour is considered by the Council to be unreasonable and unacceptable and request a change of approach. A copy of the policy will also be sent.
- 5.8. **STAGE 2** If the behaviour continues then the council will issue letter 2 Appendix C siting restriction to be made; these will be tailored to deal with the individual circumstances and may include:
- Banning the complainant from making telephone contact except through a third party.
  - Banning the complainant from sending emails to particular individuals.
  - Insisting they only contact the Council by post.
  - Banning the individual from entering council premises except by appointment.
  - Requiring that contact be limited to a named contact as advised.
  - Requiring that any personal contact takes place in the presence of an appropriate witness.
  - That any meeting may be recorded.
  - Restricting telephone calls to specific days/times/duration.

5.10        **STAGE THREE**        If there is continued vexatious communication or action the matter will be referred either to our legal representatives or the police, or both.

5.11        If thought necessary, we reserve the right to proceed directly to stage three

## **6 New Complaints**

6.1 Any new complaints made by the complainant will be examined and those not deemed to be vexatious will be dealt with.

## Appendix A

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):

1. A complaint from the complainant has already been investigated and a decision already been given to the individual
2. The complainant changes the substance of the complaint or continually raises new issues or seeks to prolong contact by raising further concerns or questions while the complaint is being considered;
3. The complainant is unwilling to accept documented evidence given as being factual or denies receipt of any adequate response in spite of communications answering their questions, or refuses to accept Town Council decisions;
4. The complainant does not clearly identify the precise issues which they wish investigated;
5. The complainant focuses on matters which are not sufficiently serious to warrant the Council's continuing detailed attention;
6. The complainant attempts to harass or verbally abuse and or otherwise seek to intimidate staff dealing with their complaint by use of inappropriate language or by the use of offensive or discriminatory language, in which case all contact with them will cease at once and take appropriate legal action may be taken;
7. The complainant has had an excessive number of contacts with the Council, placing unreasonable demands on time and resources;
8. The complainant makes the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insists the minor differences make these 'new' complaints;
9. The complainant complains about or challenges an issue based on a historic and irreversible decision or incident;
10. The complainant makes what appear to be groundless complaints about staff dealing with the complaints and seeks to have them dismissed or replaced;
11. The complainant adopts a 'scattergun' approach by pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament, elected members of this and other councils, other levels of Local Government, the authority's independent auditor, Standards Board, local police, solicitors, or the Ombudsman;
12. The complainant is known to have recorded meetings or face to face contacts or telephone conversations without the prior consent of all parties involved, except where legislation allows;
13. The complainant has made unreasonable demands, for example insisting on responses or enquiries being provided more urgently than is reasonable or necessary (see the Freedom of Information Act guidance on timescales);
14. The complainant has made complaints, which have no serious purpose or value, are designed to cause disruption or annoyance, have the effect of harassing the Council, or can otherwise be characterised as obsessive or unreasonable;
15. The complainant has made repetitive complaints and allegations which ignore the replies made for and on behalf of the Council in previous communications;
16. 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;
17. Documented evidence is not accepted as factual by the complainant.

## Appendix B

### COMPLAINTS MATRIX

Type of complaint	Complaint to	Additional step	*Time Frame	Resolution Timeframe	Further action	To whom
<b>General complaint to the council</b>	<ul style="list-style-type: none"> <li>• Admin asst</li> <li>• Deputy Clerk</li> <li>• Clerk</li> <li>• Committee Chairman</li> </ul>	May be forwarded to third party i.e. EDDC, SW water etc	Initial response within 5 working days	Depends on nature of complaint and action required.	Follow up letter/ call	Town Council or outside agency to whom complaint was referred
<b>Complaint about staff</b>	Line Manager	Employment committee	Initial response 5 working days	Within thirty working days	Mayors decision Final	
<b>Complaint about Councillors</b>	East Devon Monitoring Officer Please see their website for further detail	N/A	N/A	N/A	N/A	N/A
<b>Complaint about Council action</b>	Town Council	May cc to EDDC or DCC	Initial response within 5 working days	Within 30 days	**depends on nature of complaint	**depends on nature of complaint
<p>* we will endeavour to stay within timeframe unless forced to extend due to unforeseen circumstances. We will always inform complainants should we be forced to extend timescales</p>						
<p>** we will direct complainant to appropriate body</p>						

## Appendix C

### Stage 1 Letter

Address

date

Dear.

#### **RE: STAGE 1 – VEXATIOUS COMMUNICATIONS**

As Mayor of Axminster I am issuing this letter on behalf of the Council and with their full knowledge.

Due to your behaviour listed below we find you to be a vexatious complainant, these are:

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- 
- 

We would suggest you read the policy we have used to reach this decision (copy enclosed).

We hope that you will review your approach to the Town Council.

Should you be dissatisfied with this judgement, you should be aware that you have the right to contact the Local Government Ombudsman at PO Box 4771, Coventry CV4 0EH to review your complaint.

Yours sincerely

Mayor of Axminster

Enc.

**Stage 2 Letter**

Address

date

Dear

As Mayor of Axminster I have been advised by Axminster Town Council to issue a further letter to you as, despite our previous communication, we still find your communication with us to be vexatious in that,

- 

We now require that you abide by the following restrictions:

- 

We regret that we have deemed it necessary to place these restrictions on your contact with the Council, however we have a duty of care to our staff and councillors and feel there was no other action available to us.

Should you wish to contact the Local Government Ombudsman concerning this letter the address is as follows Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH.

Yours sincerely

Mayor of Axminster

**Stage 3 Letter**

Address

date

Dear

Due to the nature of your communication Axminster Town Council have passed it to our Legal Representative/ Devon & Cornwall Constabulary for their advice.

Yours sincerely

Mayor of Axminster

## **Appendix D**

### **Useful Addresses**

#### **East Devon District Council Monitoring Officer**

Democratic Services  
East Devon District Council  
Blackdown House, Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

#### **Local Government Ombudsman**

PO Box 4771  
Coventry  
CV4 0EH

#### **How to make an FOI request (from [www.gov.uk](http://www.gov.uk))**

You must make a Freedom of Information (FOI) request in writing. You can do it by:

- letter
- email
- social media
- online form - check the organisation's website or the government department's page to see if they have an online form
- fax

If you cannot make your request in writing because of a disability, contact the public authority. They should help you to make the request another way - for example over the phone. You can ask for environmental information in writing, in person or by phone.

You should give:

- your name (not needed if you're asking for environmental information)
- a contact postal or email address
- a detailed description of the information you want - for example, you might want all information held on a subject, or just a summary

You can ask for information in a particular format, such as:

- paper or electronic copies of information
- audio format
- large print

The organisation should send you the information within 20 working days of receiving your request.