



MUCH WENLOCK TOWN COUNCIL

## COMPLAINTS PROCEDURE

The following procedure should be followed by anyone wishing to make a complaint about Much Wenlock Town Council.

If you have a complaint about a Town Councillor under the Code of Conduct, you should contact the Monitoring Officer at Shropshire Council, who is the responsible person for dealing with complaints about the behaviour of Councillors:

The Monitoring Officer  
Legal and Democratic Services  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Or via the Shropshire Council website: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)

If you have a complaint about the Town Clerk, you should contact the Town Mayor:

The Town Mayor  
Much Wenlock Town Council  
The Corn Exchange  
High Street  
Much Wenlock  
TF13 6AE

If you have any other complaint, you should contact the Town Clerk:

The Town Clerk  
Much Wenlock Town Council  
The Corn Exchange  
High Street  
Much Wenlock  
TF13 6AE

Email: [townclerk@muchwenlock-tc.gov.uk](mailto:townclerk@muchwenlock-tc.gov.uk)

Tel: 01952 727509

In order for your complaint to be dealt with, the following procedure has been adopted so you can be assured your complaint will be properly and fully considered. It is hoped that by following this transparent process, your concerns will be resolved as efficiently and effectively as possible.

The formal complaints procedure will be followed where complaints cannot be resolved informally by the Town Clerk or the Mayor.

1. Much Wenlock 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.
2. This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
  - 3.1. Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
  - 3.2. Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members adopted by the Council on 3<sup>rd</sup> March 2022, as amended on 5<sup>th</sup> January 2023, and if a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer of Shropshire Council. Further information on the process of dealing with complaints against Councillors can be found on the Shropshire Council website: [www.shropshire.gov.uk](http://www.shropshire.gov.uk)
  - 3.3. Complaints that have already been dealt with by our Complaints Procedure.
  - 3.4. Complaints that are more than 12 months old and it would not be possible for the Council to consider the complaint effectively and fairly, e.g. due to changes in staffing and record retention timescales.
  - 3.5. Alleged criminal activity. This should be reported to the police.
4. You should 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. Contact details are given above. All formal complaints must be communicated in writing. Complaints will be treated as confidential.
5. Wherever possible, the Town Clerk will try to resolve your complaint informally and as soon as practicable. If the Town Clerk cannot resolve the complaint to your satisfaction, or as an alternative to an informal complaint, you may make a formal complaint in writing.
6. If you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Mayor, who will try to resolve your complaint or report your complaint to the appropriate Committee of the Council.
7. Complaints about issues or events that occurred more than 12 months prior to the date of the complaint will not normally be considered unless any of the following circumstances apply:
  - The complainant was not aware, until beyond the 12 month period, of the actions of the Council which now form the subject of the complaint;
  - The complainant was incapacitated by ill-health beyond the 12 month period which prevented him/her from making a complaint within the allowed timescale and the complainant provides proof of this.

There will be no review of a complaint that was dealt with more than 12 months ago.

#### **Formal Complaint – Stage 1**

8. Upon receipt of a formal complaint, the Town Clerk or Mayor will normally acknowledge your complaint within five working days and advise who will be dealing with your complaint.
9. Each formal complaint will be investigated, with further information being obtained as necessary from you and/or from staff or members of the Council. Please provide as much information as possible about the cause of your complaint, including relevant events, dates, etc., as well as your contact details. You may be invited to make verbal representations to the person or committee investigating your complaint.
10. The Town Clerk or the Mayor will notify you within 12 weeks of the outcome of your complaint and of what action (if any) the Council proposes to take in relation to your complaint. If, for any reason, this timescale cannot be met, the Town Clerk or Mayor will advise you of this before expiry of the 12 weeks.

## **Formal Complaint Appeal – Stage 2**

11. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council for review. You will be asked to provide details of why you feel that your complaint has not been fully dealt with.
12. The purpose of a Stage 2 review is to consider if:
  - The complaint was fully understood and addressed
  - The relevant evidence was taken into account
  - The Council's policies and procedures were properly followed
  - The complaints process was carried out properly and fairly
  - The conclusions were reasonable and fair and reached on the basis of evidence
  - Any other actions or remedies are appropriate.

It is not to:

- Reinvestigate the complaint – it will focus on understanding continuing concerns and consider whether the Stage 1 resolution was undertaken fairly and that the conclusions reached were reasonable
  - Revisit a decision taken by committee or an officer
  - Review Council policy
  - Deal with any new matters that were not part of the original complaint
  - Cover any points dealt with by a court or where an appeal against a decision lies with a court or other legal process.
13. You will be notified in writing of the outcome of the review of your original complaint within eight weeks. This concludes the complaint process.
  14. 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. 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. 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.

## **Timescales for Stages 1 and 2**

15. A formal complaint will normally be acknowledged within five working days.
16. Formal complaints will be investigated and a response provided within 12 weeks of receipt. If, for any reason, this timescale cannot be met, the Town Clerk or Mayor will advise you of this before expiry of the 12 weeks.
17. If you choose to progress from Stage 1 to Stage 2 of the procedure, you will have 20 working days from the date of the Council's Stage 1 response to make a request for your complaint to progress to the final stage of the complaints procedure.
18. You will be notified in writing of the outcome of the Stage 2 review within eight weeks. This concludes the complaint process.
19. Complaints will be kept on file for no more than five years.

## PROCEDURE FOR DEALING WITH UNREASONABLY PERSISTENT & VEXATIOUS COMPLAINANTS

In order to deal with complaints which may be made about Council administration, operations and services efficiently and effectively the Town Council has a Complaints Procedure.

However, sometimes complainants may make persistent or frequent contact with the Town Clerk's office to the extent that such contact hinders the normal day to day running of the Town Council operations. In this event, with approval from the Council, the Town Clerk will implement the procedure for dealing with frequent or vexatious complainants, since such complaints can be time consuming, lead to unnecessary additional cost to the council tax payer and affect delivery of services.

### **DEFINITIONS**

The term "vexatious" may be used to describe someone who raises a complaint/s in order to cause annoyance or disruption and unnecessarily aggravate Council staff members, rather than seeking to resolve a grievance. This may involve making serial complaints about different matters or continuing to raise the same or similar matters repeatedly. Their method and frequency of contact with the Council can hinder the efficient consideration of their complaints and the ability of officers to provide a satisfactory outcome. Some individuals may also display threatening and abusive behaviour or harassment when contacting the Council.

An "unreasonably persistent" complainant is usually someone who makes frequent contact, often on the same, or very similar, matters. This could be regardless of whether their complaint or concerns have been dealt with.

### **ACTIONS AND BEHAVIOURS OF UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS**

The following are examples of behaviours that are considered vexatious or unreasonably persistent:

- Refusing to accept that certain issues are not within the scope or power of the Council to investigate, change or influence
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council
- Insisting on a complaint being dealt with in ways which are incompatible with the complaints procedure
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident
- Making an unreasonable number of contacts with the Council, by any means, in relation to a specific complaint or complaints
- Persistently approaching the Council through different routes about the same issue
- Raising numerous, detailed but unimportant questions and insisting they are all answered
- Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insisting that the minor differences makes these into 'new' complaints which should be put through the complaints procedure
- Refusing to accept the decision or outcome, repeatedly arguing points with no new evidence, complaining about the outcome and/or denying that an adequate response has been given
- Making excessive demands on the time and resources of staff with lengthy phone calls, e-mails or detailed letters every few days, and expecting immediate responses
- Adopting a violent, aggressive or threatening demeanour towards staff
- Sending in repeated emails which contain foul language and are derogatory towards staff with intent to cause harm or fear.

## **PROCEDURE**

This procedure will be implemented if the behaviour of a complainant is deemed to be unreasonably persistent or vexatious in their contact with the Council or its officers.

The Town Clerk will report the matter to the Council, outlining the grounds for implementing the procedure in relation to a complainant. The Council will consider the information provided and will decide whether a complainant is to be deemed vexatious or unreasonably persistent and whether the procedure should be implemented.

Once the decision has been made, the complainant will be notified that the Council's procedure for dealing with unreasonably persistent and vexatious complainants is to be implemented, together with the reason why, and for how long the measures will be operative. The following are examples of the types of restriction on contact which the Council may specify:

- to contact the Town Council in a particular form, for example, letters or emails only
- to contact only a specific, named officer
- to restrict telephone calls to specified days and times
- that any personal contact takes place in the presence of a witness
- to enter into an agreement about future contact with the Town Council
- to inform the complainant that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint.

If the complainant feels that the decision for restricted contact to the Council is unfair or incorrect, they may contact the Town Clerk in writing, who will refer the matter to the Council for a single and final decision.

New complaints received from complainants previously deemed to be unreasonably persistent and/or vexatious will be treated on their merits.