



WARSOP PARISH COUNCIL

COMPLAINTS POLICY - INCLUDING UNREASONABLE/VEXATIOUS COMPLAINTS

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Policy adopted: 16th March 2026 Minute Reference 2025-207c

Policy version reference: v2

Policy effective from: Immediately

Date for next review: April 2028

Complaints Procedure

Warsop Parish Council strives to serve the community to the best of its ability. However, there may be occasions when you are dissatisfied with its performance. This policy sets out how to raise a complaint against Warsop Parish Council.

This Procedure is adopted for complaints against the Council as a statutory body - The Local Government Association offers the following definition of such a complaint:

'A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.'

This Complaints Procedure does not cover:

- Requests regarding Freedom of Information – this is a separate process
- Complaints of Financial irregularity – A Local Elector has statutory right to object Council's audit of accounts (s.16 Audit Commission Act 1998). Complaints should be made to the Council's external auditor- PKF Littlejohn, Email: sba@pkf-littlejohn.com Postal Address: PKF Littlejohn LLP, 1 Westferry Circus, Canary Wharf, London E14 4HD
- Complaints of Criminal Activity – Allegations of such conduct should be made to the police.
- Complaints about a Parish Councillor's conduct – A complaint relating to a Member's failure to comply with the Council's Code of Conduct must be submitted to Mansfield District Council's Monitoring Officer. Further information on the process of dealing with complaints against councillors may also be obtained from the Monitoring Officer.
- Complaints about a Council employee's conduct - There is no statutory scheme for complaints about Council employees. Any such complaints should be dealt with through the internal disciplinary process.

Informal complaints

We hope that most complaints can be resolved quickly and amicably through discussion. Informal complaints can be made by telephone or by email and they will be handled by the Clerk.

Complaints should always be directed through the Clerk, not through individual Councillors. A complainant may advise a Councillor of the details of the complaint, but individual Councillors are not usually in a position to resolve complaints. It is expected that most complaints can be resolved through this informal route, however, we appreciate that on occasions an informal approach will not resolve the complaint. In those circumstances a formal complaint procedure should be followed.

The Clerk can be contacted on email: clerk@warsop-pc.gov.uk

Or by writing to: The Clerk, Warsop Parish Council, Lifespring (Old Town Hall), Church Street, Warsop, Nottinghamshire, NG20 0AL

Or by phone: 01623 846011

Formal complaints

The Clerk to the Council is responsible for managing formal complaints process, unless the complaint is against the Clerk, in which case, your complaint should be directed to the Chair of the Council.

How to submit a formal complaint

A formal complaint can only be submitted in writing, either by post or by email. It should be addressed to the Clerk and marked 'Confidential – Formal Complaint.'

The Clerk will strive to acknowledge receipt of your complaint within five working days and ascertain whether the complainant wishes the matter to be treated confidentially.

The Clerk will carry out an initial investigation into the complaint and within 20 working days will provide the complainant with an update on progress or a suggested resolution.

In exceptional circumstances, the twenty working days may have to be extended, and you will be kept informed.

If the complainant is satisfied with the resolution, then the complaint is closed.

The Clerk will report to the Council summary details of the complaint and its resolution.

The summary report will exclude the name and personal details of the complainant – unless the complainant's identity cannot be hidden or they wish this to be known.

If the complaint is not resolved

If the Clerk is not able to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to the next stage - a meeting of the full Council. Seven working days before the item is raised at the Council meeting, the complainant will be asked to provide the Council with copies of all documentation or other relevant evidence. The Council will provide the same to the complainant.

At the meeting, the Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. As far as possible, the Council carries out its business in public, however, matters relating to members of staff may require the exclusion of the press and public. The complainant shall be invited to outline the grounds for complaint before any questions from the Clerk and Councillors. The Clerk will explain the Council's position before any questions from the complainant and Councillors. The complainant and the Clerk will then summarise their positions; they then leave the room while Council decides whether or not the grounds for the complaint have been made. If a point of clarification is required, both parties will be invited back.

When a decision has been reached, both parties will be invited to hear the decision or advised when a decision will be reached. The decision will be confirmed in writing within seven working days together with details of any action to be taken. The

decision will also be published in the Council's minutes, ensuring that any agreed confidential issues are appropriately respected.

To ensure compliance with its obligations in the Data Protection Act 2018 (the 2018 Act), the council will not disclose the identity, contact details or other personal data about an individual complainant unless they consent or disclosure is otherwise fair and lawful under the 2018 Act e.g. for the purpose of discharging the council's functions, or for the performance of contractual obligations. The Council will ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to an individual complainant or a third party in the agendas or minutes of its meeting.

The complainant will be advised of their right to complain to the Local Government Ombudsman should they be dissatisfied with the outcome of the complaint process.

Anonymity

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

Unreasonable and vexatious complaints

Occasionally there are complainants who deliberately seek to be disruptive to the Council through pursuing an unreasonable course of conduct. Whenever a complaint has been received which has been investigated previously and replied to, this will be deemed vexatious.

Vexatious will be defined as manifestly unjustified, inappropriate or improper use of a formal procedure and/or has no reasonable foundation and/or is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to Parish Councillors or staff. A complaint or a person making a complaint may be so patently unreasonable or persistent or objectionable that it or he/she will be obviously vexatious.

Parish Councillors and staff cannot be expected to tolerate unacceptable behaviour that is abusive, offensive or threatening. This behaviour will include (but is not limited to):

- using abusive, aggressive and/or foul language in any form of communication;
- sending multiple letters or emails;
- leaving multiple voice-mails.

Complainants will be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- persists in pursuing a complaint where it has been fully investigated and full action has been taken within the Parish Council's procedures, but the complainant will not acknowledge or accept this;
- displays unreasonable demands or expectations and fails to recognise that these are unreasonable;
- have threatened a Councillor or the Clerk;

- have harassed or been personally abusive or verbally aggressive towards Councillors or the Clerk dealing with the complaint; this includes the use of foul or inappropriate language;
- refuses to accept that issues are not within the power of the Council to investigate, change or influence;
- changes the main issue of the complaint or continually raise new issues, especially while the original complaint is being addressed;
- are unwilling to accept documented evidence to support an adequate response;
- have caused persistent offence to a Councillor or the Clerk;
- raises repeat issues that have already been fully addressed;
- persists in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons;
- continues to challenge the Council for alleged wrongdoing without any cogent basis to do so;
- is pursuing a relatively trivial or highly personalised matter of little benefit to the residents of the Parish;
- pursuing a personal grudge;
- unreasonable persistence;
- unfounded accusations;
- intransigence;
- frequent or overlapping complaints, requests or communications;
- deliberate intention to cause annoyance;
- disproportionate effort is required to deal with a trivial matter;
- no obvious intent to obtain information;
- futile or frivolous requests;
- tone or content of the communication is objectionable, especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

Discretion will be used by the Council in applying the above criteria to identify persistent or vexatious complaints/complainants and in deciding the appropriate action to be taken.

Where complainants have been identified as persistent or vexatious in accordance with the above criteria, Warsop Parish Council will consider if it wishes to suspend all contact with the complainant. Before doing so the Parish Council may decide to deal with the complainant in one or more of the following ways, as it may be worth considering whether a conciliatory approach could help before determining a complaint as vexatious:

- Specify how future contact will be maintained between the Council and the complainant;

- Notify the complainant that the Parish Council has fully responded to all issues and that continuing contact on the same matter will serve no purpose;
- Notify the complainant that continual changes in the nature of the complaint(s) will be dealt with as in the paragraph above.

The complainant will be notified in writing that they have been considered persistent or vexatious and that this sanction has been invoked as a last resort in order to conclude the matter(s).

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