



Penrith Town Council

COMPLAINTS AND COMPLIMENTS POLICY & PROCEDURE

2024

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1. Overview

Penrith Town Council is committed to providing a high-quality service for the benefit of the people who live or work in the town or are visitors to the Parish.

If you are dissatisfied with the standard of service, you have received from the Council or are unhappy about an action or lack of action by the Council this complaints procedure sets out how you may complain and how the Council will try to resolve your complaint.

We want to provide a high-quality service at all times. If you feel that any aspect of our service has been at fault we want to know about it. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practices. They help us to improve our service to residents, visitors and those working in the town. This policy is for members of the public who are considering making any complaint to the Council whether minor, serious, formal or informal and applies to any service provided by the Council.

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. These matters are dealt with under the Council's employment policies.
 - 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. A complaint against a Councillor should be made to the Monitoring Officer at Westmorland and Furness Council.
- b. 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. The Contact details are set out below.
- c. Wherever possible, the Town Clerk will try to resolve your complaint promptly and informally. The Town Clerk will acknowledge any formal complaint which is made within five working days.
- d. If you do not wish to report your complaint to the Town Clerk or if it relates to the Town Clerk, you may make your complaint directly to the Chair of the Council who will report your complaint to the Staff sub-Committee of the Council unless he/she is able to deal with your complaint informally and promptly.
- e. Each formal complaint will be investigated. Any further information which is required as necessary from you and/or from staff or members of the Council will be sought by the investigator.
- f. You will receive notification within 20 working days of the outcome of the investigation of your complaint and of what action (if any) the Council proposes to take as a result of and in response to your complaint.
- g. In some cases, the twenty working days timescale may have to be extended. If an extension is necessary, you will be notified and of the period of the extension.
- h. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Staff subcommittee and (usually within four weeks)

you will be notified in writing of the outcome of the review of your original complaint.

2. Contact details of who to complain to:

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



The Monitoring Officer

Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, LA9 4DQ.
monitoringofficer@westmorlandandfurnesscouncil.gov.uk
0300 373 3300



If you have a complaint against the Town Clerk of the Town Council, you should write to the Chair of the Council, Chair of Council, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
cllr.lawson@penrithtowncouncil.gov.uk



If you have any other complaint, you should write to the Town Clerk, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
office@penrithtowncouncil.gov.uk
01768 899773

The procedure for making and dealing with complaints is set out below.

3. The importance of complaints

Complaints are valuable and useful because they provide an opportunity to put things right if there has been an error and to ensure that a mistake is not repeated.

It is essential that complaints are dealt with positively. The Town Council is keen to hear people's comments and is committed to making full use of complaints information to contribute to service improvement.

4. What is a complaint?

A complaint is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service undertaken which affects someone.

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, 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 and informally to the member of staff providing the service first before or instead of making a formal complaint. The Council will receive queries, problems and comments as part of its day-to-day business, and every effort should be made to deal with these problems and issues immediately by providing information, taking the appropriate action or explaining a matter.

However, if someone is or remains dissatisfied or wishes to make a formal complaint, he or she may do so by following the procedure set out below:

Formal Complaint - Stage 1

- a. If you feel that the member of staff has not resolved your complaint informally or if you wish to make a formal complaint, you should contact the Town Clerk.
- b. If your complaint involves the Town Clerk, please go straight to Stage 2.
- c. The Town Clerk can be contacted 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. You should explain what you think has gone wrong or not happened and what should be done to put matters right or improve a service.
- d. Once we receive your complaint, we will acknowledge receipt within 5 days.
- e. We will appoint someone to investigate the complaint who has not been involved in the matter, obtaining further information as necessary from you, staff, or Councillors.
- f. Within twenty working days we will send you a full written reply and response to your complaint. We will let you know if our reply will take longer, explaining the reason for any delay and informing you of the period of any extension.
- g. If we do not hear from you within fifteen working days of our reply, we will assume that you are satisfied with the response or that you do not wish to take the matter further and will close the complaint.
- h. A record of the complaint and investigation will be kept for six years.
- i. If you are dissatisfied with the response to or the outcome of your complaint you may proceed to stage 2 and have your complaint heard by a panel of Councillors.

Formal - stage 2

- a. If you wish to proceed to stage 2 you should write to the Town Clerk in hard copy or by email and set out why you are dissatisfied with the response or the outcome of your complaint and what you wish the Council to do.

- b. If your initial complaint involves the Town Clerk, you should write to the Chair of the Council who will consider your complaint and deal with it informally, if possible, or investigate or appoint another Councillor or person to investigate it.
- c. The Chair, Councillor or other person will investigate the complaint and report to the Staff sub-committee. The staff subcommittee which will hear and consider your complaint and the investigation report in accordance with the following procedure.

6. Complaint Hearing Procedure at a Staff-Sub-Committee Meeting

The complainant will be invited to attend the meeting with his or her representative. The complainant will be asked to provide the Council with copies of any documents which he or she wishes to refer to at the meeting. The Council will provide the complainant with a copy of any documentation it is intended to be provided to the meeting.

- a. At the meeting the sub-committee will consider whether the circumstances warrant exclusion of the press and public. The sub-committee and those present will receive a report on the complaint including a copy of the complaint itself and the investigation report and any further information the complainant wishes to refer to at the meeting.
- b. The Chair will introduce all present and explain the procedure.
- c. The Complainant or the representative will state the nature of the complaint and may call any witness.
- d. The investigator and Members can ask any question of the complainant or the representative and any witness.
- e. The investigator will present the report on the investigation of the complaint. The investigator may call any witness including the Town Clerk or other member of staff or Councillor.
- f. The complainant, the representative and Members can ask any question of the investigator or witness.
- g. The investigator and then the complainant are offered the opportunity of making any final comments.
- h. The investigator, any witness and the complainant will be asked to leave the room while members decide on the complaint and what action, if any, to take.
- i. If a point of clarification is necessary, all parties will be invited back.
- j. The parties will return to hear the decision or to be advised when the decision will be made (The Committee / Council can defer making a decision if it needs to seek legal advice or further information).
- k. The decision will be confirmed in writing within five working days of the meeting with the details of any action to be taken.
- l. A decision on a complaint may be reported to and announced in public at a future Council meeting.
- m. A record of the complaint and investigation and the sub-committee's decision will be kept for six years.
- n. The Council will seek to complete the whole Stage 2 procedure within eight weeks.

7. COMPLIMENTS

A compliment is an expression of praise or congratulations for the Council, any Councillor or member of staff.

The Council welcomes comments on the delivery of its services. The Council appreciates people taking the time to inform us of when things have gone well, when someone has provided a service which is particularly prompt, well received or delivered.

Compliments, which will be anonymised, may be included in reports to Council or in official publications.

Complaints Officer

The Complaints Officer for the Council is the Town Clerk.

The Town Clerk will:

undertake the day to day operation and management of this policy and procedure:

oversee and, if appropriate undertake the investigation of formal complaints;

maintain a record of all complaints received including the nature of the complaint, the action taken, the outcome and the time taken to deal with the complaint; and identify any improvements to be made arising from a complaint.

8. Unacceptable, unreasonable and unduly persistent behaviour policy

Penrith Town Council is committed to providing excellent customer service to everyone who contacts us.

- a. Everyone is entitled to be treated respectfully, courteously and in a polite manner. Anyone who raises an issue with the Council can expect to be and will be treated fairly and properly.
- b. 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, demeaning or offensive behaviour either verbally or in writing. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do or places an undue strain on staff or their time and resources.
- c. The purpose of this policy is to explain and identify the action that the Council may take against anyone who displays unacceptable, unreasonable or unduly persistent behaviour in their dealings or conduct with the Council and its staff.

Principles

- 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 and will seek to distinguish between distress, frustration, forcefulness and determination and behaviour which is unacceptable, unreasonable or unduly persistent.
- c. Unacceptable behaviour broadly is:
 - behaviour or language (whether oral or written) that may cause a member of staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, offensive, foul, demeaning, racist, sexist or homophobic language, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

This type of behaviour can be exhibited in different ways including in person, on the telephone or in written or email correspondence. When dealing with this type of behaviour account will be taken of the frequency of the contact, the content of the contact, any actions taken to seek to resolve any issue and the level of any disruption caused.

- d. Unreasonable behaviour would include:

Making unnecessarily excessive demands on the time and resources of any member of staff which may be excessive or frequent contact, sending numerous emails to staff, and expecting immediate and substantial responses to matters raised.

Submitting repeated issues or complaints particularly after a complaints process may have been exhausted.

Insisting that an issue should be dealt with in ways that are not compatible with standard procedure or good practice.

Refusing to accept documented evidence as factual.

Making frequent and unreasonable demands on Council staff particularly after any unreasonableness has been explained.

e. Undue persistence relates to those who by the frequency and nature of their contact with the Council place an unreasonable strain on staff time and resources, pursuing complaints or issues in inappropriate ways, pursuing issues which have no substance or are outside of the Council's remit or have already been investigated and decided.

9. How do we deal with this behaviour?

The Council will operate a zero tolerance approach to unreasonable and unacceptable behaviour and undue persistence and will seek to protect its staff from such behaviour and conduct.

If any person behaves in an unreasonable, unacceptable and undue manner to which this policy relates a manager will seek to manage the behaviour and control or limit the contact that the person may have with a member of staff. In some circumstances the Council may consider placing restrictions on how and whether a person may contact the Council.

If unreasonable behaviour occurs during a telephone conversation the member of staff should explain why the behaviour is unacceptable. The caller should be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues the member of staff will inform the caller that the telephone call is being terminated and will make a record the call and the reason for the termination.

If unreasonable behaviour is displayed in written correspondence the Council may respond in writing addressing the query or complaint whilst stating that the correspondence is unacceptable and requesting the person to refrain from such behaviour in the future. A record will be made of the unreasonable behaviour and request.

Following any instance of unreasonable behaviour a manager may contact the person concerned by telephone, in writing or by email to explain why the behaviour is causing concern and requesting that the behaviour should change. The warning will contain.

The details of the incident and when it occurred.

The reasons why the behaviour is considered to be unreasonable, unduly persistent or unacceptable.

An explanation of the effect the behaviour is having on the Council and its staff.

What could happen should the behaviour continue?

A copy of this policy may be sent to the person concerned.

If the disruptive or unacceptable behaviour continues a manager may issue a reminder. A reminder should inform the person that if the unreasonable or inappropriate behaviour continues future contact with the council will be restricted.

In cases where the behaviour is particularly serious the Council through the Town Clerk may decide that this policy and any sanction will be applied without prior warning. In that event a manager will write directly to the person concerned explaining the reason for the action.

There are a number of ways the Council may restrict access and the action taken will depend on the nature and extent of the behaviour.

The actions to restrict access include but are not limited to:

Restricting contact to one method (letters only, for example) or to one member of staff or a particular time of day.

Accepting contact only through a third party.

Only responding to correspondence where new or pertinent information is provided which has not been considered previously.

Refusing to accept further telephone calls.

Restricting the issues the Council will correspond on

Requesting the individual to enter into an agreement about his or her future conduct.

Any action the Council may take will be reasonable and proportionate. The action will balance the interests of an individual with the Council's duty to protect the health, safety and wellbeing of its staff.

When the Council applies this policy to any person, we will write to him or her setting out:

The reasons why we believe the behaviour to be unreasonable, unduly persistent or unacceptable.

What action the Council has decided to take in response to this behaviour.

How and when the Council will review any decision to restrict access and to what this will apply.

10. Review

A review will be of any decision to restrict access or apply this policy by a manager 12 months after that decision is made. A recommendation will be made to or by the Town Clerk on whether the restriction should be extended, amended or removed.

Where a person has changed his or her behaviour the contact restrictions will be amended or removed.

Once the review has been completed a manager will write to the person concerned to advise him or her of the decision which has been made and its basis.

Where the behaviour is extreme or severe or if the immediate safety or welfare of staff is threatened the Town Clerk may report the matter to the Police or take legal action.

APPENDIX A - Unreasonable, Persistent, Vexatious or Unfocused 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.

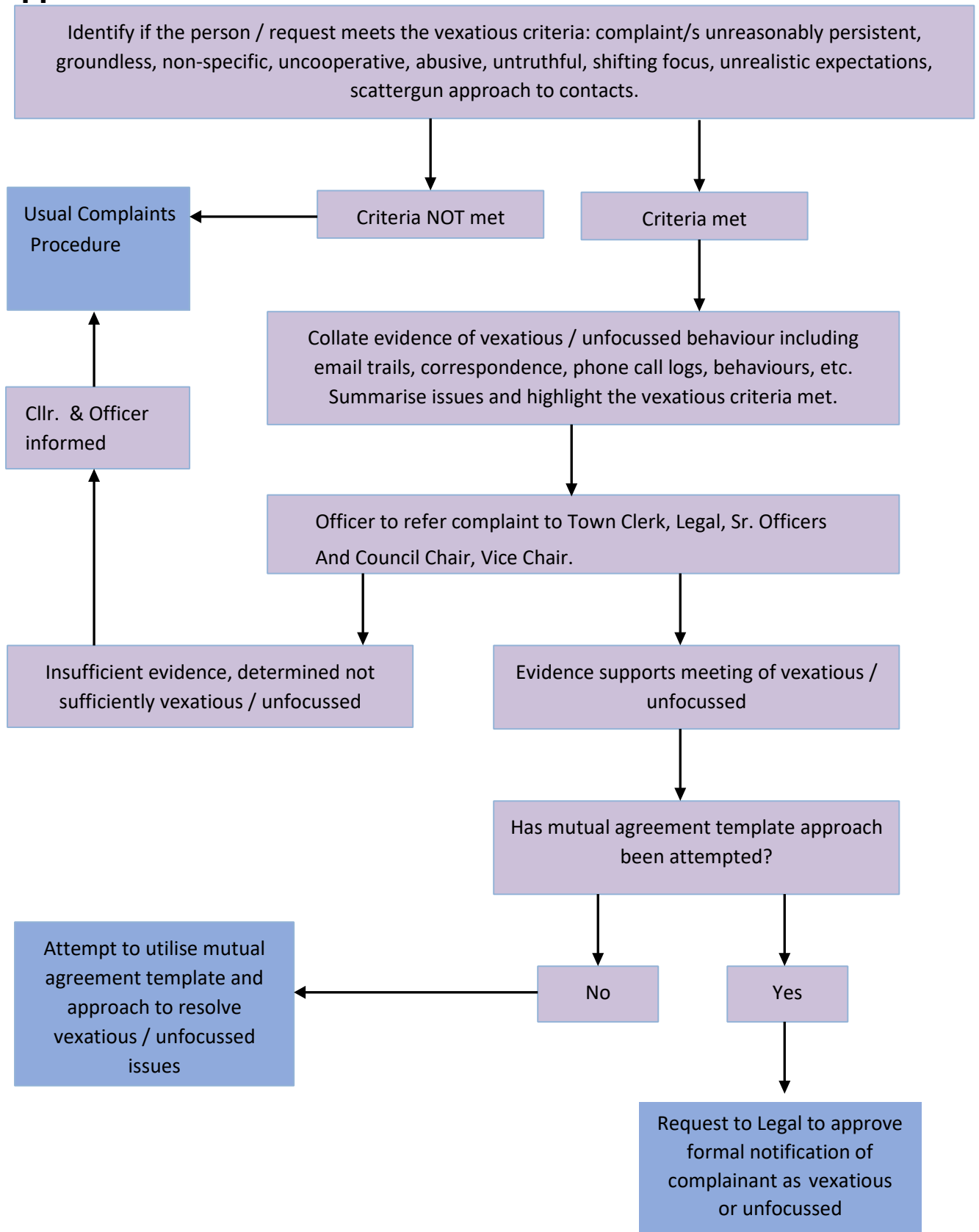
Mutual goals (mutual where possible with the complainant)

- 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 B Flowchart



Appendix C – 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.

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 D – 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 E 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>

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