



# PORTISHEAD TOWN COUNCIL

## COMPLAINTS POLICY

### 1. INTRODUCTION

The Town Council is not subject to the jurisdiction of the Local Government Ombudsman and has adopted this *procedure* to give clarity to the public to ensure complaints are properly and fully considered.

The Town Council does not consider formal complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by North Somerset Council's Monitoring Officer.

All other complaints should be addressed to the Town Clerk and will be dealt with promptly. Should the complaint be in regard to the Town Clerk, it should be addressed to the Chairman of the Town Council.

A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

### 2. INFORMAL COMPLAINT

The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged. Wherever possible the Clerk will try to resolve a complaint immediately. If this is not possible, the clerk will normally try to acknowledge a complaint within five working days.

An informal complaint is made to the Town Clerk who will liaise with the complainant and relevant members/officers to seek resolution.

Should it not be possible to resolve the issue informally the complainant may escalate the matter to a formal complaint.

Should, in the opinion of the Town Clerk or Chairman of Town Council, the complaint be of a serious nature, it will be escalated to a formal complaint.

There is no defined process for an informal complaint; but full records must be kept of any communications or attempts at resolution.

### 3. FORMAL COMPLAINTS

Where possible, the Town Council would hope to resolve any complaint informally, prior to a formal complaint being lodged.

### **3.1 FORMAL COMPLAINTS ABOUT COUNCILLORS**

The Town Council does not consider formal complaints about its members. Members are required to comply with the adopted Code of Conduct. A formal complaint about a member should be addressed to the Monitoring Officer of North Somerset Council who will arrange the investigation of the complaint. North Somerset Council has its own policies for dealing with such complaints.

The contact details for the Monitoring Officer are:

The Monitoring Officer  
Head of Legal and Democratic Services  
Corporate Services  
North Somerset Council  
Town Hall,  
Walliscote Grove Road,  
Weston-super-Mare,  
BS23 1UJ

### **3.2 FORMAL COMPLAINTS ABOUT OFFICERS/EMPLOYEES**

Formal complaints about an employee of the Town Council must be made in writing to the Town Clerk, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

Complaints will be processed in accordance with the Council's Disciplinary procedure.

Complaints about the Town Clerk must be made in writing to the Chairman of the Town Council, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

### **3.3 FORMAL COMPLAINTS ABOUT THE COUNCIL, COMMITTEES OR DECISIONS**

Complaints about a decision, the general operations of the Council or the Council as a body should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.

The complaint shall first be considered by the Town Clerk, Chairman of the Town Council and Chairman of the relevant committee who shall seek to resolve the issue or explain the background to the decision.

Should it not be possible to resolve the complaint, it shall be referred to the relevant committee for consideration or, at the discretion of the Chairman of the Town Council, be referred to Full Council. The complainant shall be invited to address the committee/Council, accompanied by one person of their choice if they so wish, to outline the background to the complaint.

#### **4. VEXATIOUS COMPLAINTS**

A vexatious complainant is one who persists with unreasonable, persistent, and/or abusive complaints. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection (GDPR) Act 2018 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those acts.

If a complainant is deemed to be vexatious the Council may alter the way it deals with complaints by not acknowledging or responding. Complaints will still be read in case they contain new information.

If a complainant is to be classified as vexatious, they shall be informed and given a timescale of how long this will remain the case. The Clerk on behalf of the Council will notify the complainant, in writing, of the reasons why their complaint has been treated as vexatious and the duration of that action. A copy of this policy will be enclosed with that letter.

The status of the vexatious complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach their status will be reviewed. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.

The Clerk will retain adequate records of the details of the case and the action that has been taken, records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- When the restrictions came into force
- What the restrictions are
- When the person and Council were advised

Full Council as an “exempt item” will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as under this policy.

***Adopted by Town Council on 20 January 2021***