



INTRODUCTION

A complaint is.....

“An expression of dissatisfaction about the Council’s action or lack of action or about the standard of a service, whether the action taken, or the service was provided by the Council itself or a body acting on behalf of the Council”.

A COMPLAINT IS NOT AN INITIAL REQUEST FOR SERVICE.

OBJECTIVE

It is important that Andover Town Council provides services that are valued by the residents of Andover.

In providing those services, we aim to:

- deal with you courteously, efficiently, and promptly.
- provide appropriate advice and information.
- deliver in line with your requirements and expectations.
- keep you informed.
- if we are not able to provide what you want, explain why. Your complaints or concerns are important to us.

Where something has gone wrong, your feedback helps us to put things right and improve our service.

When considering complaints we aim to:

- be helpful and open-minded.
- investigate your complaint thoroughly.
- respond in a clear and timely manner.
- put matters right if we have made a mistake.
- learn lessons for the future.

PROCEDURE

Andover Town Council’s procedure for dealing with complaints is as follows:

Stage 1: In the event of a complaint about Andover Town Council, the matter should be first reported to the Officer responsible for delivering that service, who will respond to the complainant and attempt to find a resolution.



Stage 2: If this cannot be resolved by the Officer, the matter will be passed to the Town Clerk who will investigate the complaint.

Stage 3: Appeals If an appeal is made against the decision previously taken by the Town Clerk, the appeal will be reported to the Chair of the Policy and Resources Committee who will appoint a panel of 3 Members or that Committee. The decision of the appointed group is final and will be reported to Full Council.

Note: This procedure does not cover complaints about the conduct of a Councillor. Any complaint that a Councillor may have breached Andover Town Council's adopted Code of Conduct should be referred to the Monitoring Officer at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover.

Complaints against the Town Clerk:

Stage 1: The Chair of the HR Sub-Committee will respond to the complainant and attempt to find a resolution informally.

Stage 2: If this cannot be resolved informally by the Chair of the HR Sub-Committee, the complainant will be invited to put their complaint in writing. The Chair of the HR Sub-Committee will review, investigate, and respond. The complainant will be given 7 days to appeal.

Stage 3: Appeals If an appeal is made against the decision previously taken, the appeal will be reported to the Chair of the HR Sub-Committee who will appoint a panel of 3 Members of that Committee. The decision of the appointed group is final and will be reported to Full Council.

WHAT CAN YOU COMPLAIN TO US ABOUT?

You can complain to us when you think we have:

- been rude or offensive.
- given inaccurate advice or information to you.
- failed to deliver a service which meets reasonable expectations.
- not followed up on questions you have raised with us.

However, you cannot use this policy to complain about our decisions on requests for access to information made under data protection or freedom of information legislation.

We will acknowledge all complaints within five working days of receipt and will tell you who will be the person responsible for responding to your complaint. The Officer or Councillor will aim to email or write to you about your complaint within 15 working days of receiving it. If the Officer or Councillor cannot reply within that time, they will let you know and explain why.



VEXATIOUS OR PERSISTENT COMPLAINANTS

Habitual or vexatious complainants can be a problem for Council Staff and Members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further that can reasonably be done to assist or to rectify a real or perceived problem.

The term habitual means 'done repeatedly or as a habit'. Andover Town Council considers 'habitual' as three times or more. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

When is a complainant not Vexatious?

It is important to distinguish between people who make several complaints because they really think things have gone wrong, and people who are simply being difficult. Complainants will often be frustrated and aggrieved and therefore consideration must be made for the merits of the case rather than the attitude.

Even if someone has made a vexatious complaint in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether it is vexatious or genuine.

Each piece of correspondence must be read and evaluated. If the officer dealing with the complaint is concerned that it could be vexatious the complaint must be referred to the Town Clerk who, in consultation with the Chairman of the Council will decide whether it is vexatious.

Criteria for Determining Habitual or Vexatious complaints.

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria:

Where complainants:

Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.



Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).

Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying these criteria.

Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

Have threatened, used physical violence or intimidation towards employees or Members of the Council at any time. This will cause personal contact with the complainant and/or their representative to be discontinued and the complainant will, thereafter, only be contacted through written communication. The Council has determined that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made. If an employee or Member is meeting a complainant, the Town Mayor of the Council or the Chairman of the Staffing Sub-Committee will also be in attendance.

Have, while addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email, or fax. Judgement will be used to determine excessive contact considering the specific circumstances of each individual case.

Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complainant. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.



Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.

Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:

- Clearly does not have any serious purpose or value; or
- Is designed to cause disruption or annoyance; or
- Has the effect of harassing the public authority; or
- Can otherwise fairly be characterised as obsessive or manifestly unreasonable

Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

COMPLAINTS THAT CANNOT BE RESOLVED BY THE COUNCIL

Complaints that cannot be resolved by the Council and the complainant wishes to take the matter further include the following:

- Breaches of the Code of Conduct for the Council may result in an allegation being made to the Monitoring Officer at Test Valley Borough Council. This may be in respect of financial wrongdoing, acting on pecuniary interests, not complying with equality legislation and so on.
- Any matter that raises a suspicion of criminal wrongdoing can, of course, be referred to the police
- Complaints under the Freedom of Information legislation, that the Council has not released information in the manner that person believes it should have done, can be referred to the Information Commissioner.

For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk.

Alternatively, you may write to us at Andover Town Council, 38 Chantry Way, Chantry House, Andover, Hampshire, SP10 1LS.