



## North Petherton Town Council

### **Complaints Policy And Procedure For Use In Complaints Against The Council Approved and adopted by The Town Council 8<sup>th</sup> September 2025**

This policy and procedure sets out how complaints against the Town Council will be dealt with so that complaints are dealt with in a fair, transparent and timely way.  
It includes the criteria that the Town Council will use for determining unreasonable, persistent or vexatious complaints and action that may be taken with regard to those categories of complaint.

The drafting of this policy and procedure was informed by the National Association of Local Council's advice note on handling complaints (England) and the complaints procedure template provided by Somerset Association of Local Councils

## Policy Statement

The Town Council believes that complaints can be constructive feedback on the quality of services, procedures and practices.

## 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 was taken or the service provided by the council itself or a person or body acting on behalf of the council”<sup>1</sup>

The Town Council will endeavour to resolve matters informally in the first instance, the procedure outlined in this document is when an informal approach has failed or is not appropriate.

The procedure outlined in this document has been adopted for dealing with complaints about the Council’s administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

Some types of complaint need to be dealt with by other organisations – these are set out in the table below:

Type of Complaint	Complainant to Refer To
Alleged financial irregularity	Local electors have a statutory right to object to a Council’s audit of accounts (s16 audit Commission Act 1998)
Alleged criminal activity	The police
Members conduct alleged to breach the code of conduct adopted by the Town Council	Somerset Council is responsible for handling complaints that relate to a member’s failure to comply with the Town Council’s code of conduct. Information about how to make a complaint about a Councillor can be found at <a href="https://www.somerset.gov.uk/council-and-democracy/complaints-about-councillors/">https://www.somerset.gov.uk/council-and-democracy/complaints-about-councillors/</a>
Complaints about North Petherton Library	See specific section at the end of this document

The following complaints will not be considered:

- Complaints which amount to a disagreement with a decision made by the Town Council or one of its Committees
- A matter which is the subject of litigation or legal proceedings
- unreasonable, persistent or vexatious complaints (as defined in this policy)

**Note:** Freedom of Information and Data Protection matters will be dealt with in accordance with the relevant legislation

The Town Council will do its best to handle complaints as quickly as possible and as a guide it should take no longer than 12 weeks from receipt of the complaint to the Complaints Panel advising its decision.

## Who Can Complain?

Complaints will be responded to from the following:

- A person who believes they have been the victim of what they regard as inappropriate behaviour by a Town Council employee

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<sup>1</sup> Local Government Ombudsman Definition

- A person who witnessed an incident of inappropriate behaviour by a Town Council employee i.e. they were close enough to see or hear the incident
- A person who believes they have been the victim of what they regard as a wrongly implemented Town Council procedure, policy or service
- A person acting with the written consent of someone in one of the above categories

Anonymous complaints will not receive a response nor be considered in any way

### **Confidentiality**

A complaint against a local council is personal to the complainant and will be treated as confidential unless the complainant confirms, in writing that they waive their right to confidentiality.

If the right to confidentiality has not been waived by the complainant the meeting of the Complaints Panel considering the complaint or inviting the complainant to make representations will need to exclude the press and public.

If the right to confidentiality has not been waived by the complainant their identity will only be made known to those in the town council who will be considering the complaint or attending the meeting to represent the town council.

### **Making A Complaint**

1. There is no time limit to making a complaint but it should be made as soon as possible after the incident and ideally no more than twelve months should have passed between the incident and the date when the complaint is made. When deciding how to deal with the complaint the time that has passed between the incident and the complaint being made may be taken into account.
2. The complainant should be asked to put the complaint about the Town Council's procedures or administration in writing to the Town Clerk. If the complaint is only notified orally to a councillor, or to the town, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
3. If the complainant does not wish to put the complaint to the Town Clerk, he or she should be advised to address it to the Mayor.
4. Ideally the complainant should provide the following information at the time of making their complaint:
  - Complainant's name
  - Complainant's contact details
  - The name of the individual or the process being complained about
  - The incident date and a brief description of what happened
  - What proof / evidence exists (and will be provided)
  - The remedy that is sought e.g. an apology, review of process.
5. The Town Clerk (or other nominated officer) or the Mayor as appropriate shall acknowledge receipt of the complaint within 5 working days, ask the complainant to confirm whether or not they are waiving their right to confidentiality and give the anticipated timeframe for the next communication.

6. The Town Clerk (or other nominated officer) or the Mayor will advise the complainant when the matter will be considered by the Complaints Panel<sup>2</sup>. The complainant should also be advised how notice of it will be given on the agenda.
7. All Town Councillors will be informed of the broad details of the complaint.
8. The complainant shall be invited to attend the meeting of the Complaints Panel and to bring with them a representative if they wish.
9. At least seven working days prior to the meeting, the complainant shall provide the Town Council with copies of any documentation or other evidence relied on. The Town Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting**

10. The Complaints Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Complaints Panel meeting in public.
11. The Chairman of the Complaints Panel should introduce everyone present and explain the procedure that will be followed.
12. The complainant (or their representative) should outline the grounds for the complaint and, thereafter, questions may be asked, through the Chair, by (i) the Town Clerk (or other nominated officer) and then (ii) members of the Complaints Panel
13. The Town Clerk (or other nominated officer) will have an opportunity to explain the Town Council's position and questions may be asked by (i) the complainant or their represent (but not both) and (ii) members of the Complaints Panel.
14. When all the questions have been asked, and a response provided, the Town Clerk (or other nominated officer) and then the complainant (or their representative but not both) should be offered the opportunity to summarise their position.
15. The Town Clerk (or other nominated officer) and the complainant should be asked to leave the room while the members of the Complaints Panel decide whether or not the grounds for the complaint have been made and evidenced. If a point of clarification is necessary, *both* parties shall be invited back into the meeting.
16. The Town Clerk (or other nominated officer) and the complainant should be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **The Complaints Panel Decision**

17. If the complaint is upheld a remedy may be offered which, as far as possible, puts the complainant back in the position they would have been in but for the matters complained of.

### **After the Meeting**

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<sup>2</sup> For details of the Complaints Panel see the "Council and Committees Terms of Reference"

18. The decision should be confirmed in writing, (either a letter sent recorded delivery or an email with a delivery receipt) signed by the Chair of the Complaints Panel, within seven working days together with details of any action to be taken.
19. The decision of the Complaints Panel is final, there is no appeals process.
20. Any decision made by the Complaints Panel will be reported to Council for information.

### **Criteria for determining unreasonable, persistent or vexatious complaints**

A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-

1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted.
2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of 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.
4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.
9. Makes 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 practise.
10. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
  - a. does not have any serious purpose or value

- b. is designed to cause disruption or annoyance
- c. has effect of harassing the public authority
- d. can otherwise fairly be characterised as obsessive or manifestly unreasonable
- e. is using the Council as a means of causing harassment to another member of the public.

11. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

Action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious.

Officers and Councillors will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this direction is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.

An individual assessment will need to be made in each and every case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious.

To assist with this, the Complaints Panel will need to consider if there has been repeated and/or obsessive pursuit of:

- Unreasonable complaints
- Complaints where there is an expectation of unrealistic outcomes
- Reasonable complaints made in an unreasonable manner
- Repeated complaints that have already been responded to in full

Where a complaint continues and the committee have identified the complaint as unreasonable, persistent or vexatious, as set out in direction 1 the Town Clerk will notify the complainant in writing of the reason why the complaint has been classed as unreasonable, persistent or vexatious and of the actions to be taken, these could include (singularly or in combination, depending on the individual circumstances);

1. Send a letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
4. Inform the complainant that in extreme circumstances the Town Council will seek legal advice and if appropriate commence court proceeding for an injunction.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.

### **Complaints About North Petherton Community Library**

The library in North Petherton is provided by a partnership between North Petherton Council, Somerset Council and the Friends of North Petherton Library.

Comments and complaints about the library are covered by Somerset Council Library Service policy and should be made through the following link [Complaints, comments and compliments](#) or by dialling tel no 0300 123 2224 or by emailing the library. The complaint will then be passed onto a Library Manager who will respond within 10 days or redirect it to the Town Council.

Agreed