



Lostwithiel Town Council

Complaints Policy & Procedure

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| Approved | 10/03/26 |
| Minute ref: | 339/25 |
| Review: | Annually |
| Next Review: | Mar-27 |

1. Introduction

1.1 Lostwithiel Town Council is committed to providing a high standard of service to the public. If something goes wrong or a complainant is dissatisfied with the Council's administration, this procedure sets out how the matter will be addressed.

1.2 This procedure applies to complaints about the Council's administration and procedures and may include complaints about how Council employees have carried out their duties.

1.3 This procedure does not apply to:

- Complaints against Councillors. These must be referred to the Monitoring Officer at Cornwall Council under the Code of Conduct.
- Employee grievance, disciplinary or capability matters (which are dealt with under the Council's employment procedures).
- Complaints for which there is a statutory right of appeal or other legal remedy.
- Objections to the Council's accounts under the Local Audit and Accountability Act 2014.
- Allegations of criminal activity (which should be referred to the Police).

1.4 The Council will not consider anonymous complaints unless there is a clear public interest reason for doing so.

2. Before Making a Formal Complaint

2.1 In the first instance, complaints should be raised with the Town Clerk. Many issues can be resolved informally through discussion and clarification.

2.2 If the complainant is not satisfied with the response to an informal approach, they may make a formal complaint in writing.

2.3 If the complaint concerns the Town Clerk, it should be addressed to the Mayor.

3. Formal Complaints Procedure

Stage 1 – Written Complaint

- 3.1 The complainant should submit their complaint in writing (by email or letter) to the Town Clerk (or to the Mayor if the complaint concerns the Clerk).
- 3.2 The complaint should include:
 - The details of the complaint
 - Any relevant dates and information
 - The outcome sought
- 3.3 The complainant will receive written acknowledgement of the complaint within **5 working days**.
- 3.4 The Town Clerk (or nominated investigator) will investigate the complaint and prepare a written response.
- 3.5 The complainant will normally receive a full written response within **20 working days** of acknowledgement. If the matter is complex and requires more time, the complainant will be advised of the revised timescale.
- 3.6 The written response will include:
 - The findings of the investigation
 - Whether the complaint is upheld or not upheld
 - Details of any action to be taken
 - Information about the right to request a review

Stage 2 – Review by Council

- 4.1 If the complainant remains dissatisfied, they may request that the complaint be referred to a Panel of Councillors for review. The request must be made within **10 working days** of receiving the Stage 1 response.
- 4.2 The Panel will consist of three Councillors who have had no previous involvement in the matter. Where appropriate, this may include the Mayor or Deputy Mayor.

- 4.3 The complainant will be invited to attend the Panel meeting and may bring a representative.
- 4.4 The Panel will:
- Consider the written complaint and response
 - Hear from the complainant (if attending)
 - Hear from the investigating officer (if appropriate)
 - Ask questions for clarification
- 4.5 After hearing all relevant evidence, the Panel will deliberate in private session and reach a decision.
- 4.6 The decision will be confirmed in writing within **10 working days** of the meeting.
- 4.7 The decision of the Panel is final and concludes the Council's complaints procedure.

4. Complaints Concerning the Town Clerk

Where the complaint concerns the Town Clerk, the Mayor will arrange for the complaint to be investigated and considered directly by a Panel of Councillors in accordance with Stage 2 above.

5. Vexatious or Persistent Complaints

- 5.1 The Council may determine that a complaint is vexatious if it is unreasonable, repetitive or abusive.
- 5.2 Before any restriction is applied, the complainant will be notified in writing of:
- The reasons for the decision
 - Any restrictions applied
 - The duration of those restrictions
- 5.3 New complaints raising new issues will be considered on their merits.

6. Records

- 6.1 A record of formal complaints will be maintained.
- 6.2 An anonymised summary of complaints may be reported to Full Council for monitoring and service improvement purposes.

Website Publication Version

How to Make a Complaint – Lostwithiel Town Council

Complaints Process Flowchart

Step 1 – Raise the Issue Informally



Contact the Town Clerk by email, phone or in writing.
Most issues can be resolved quickly at this stage.

Resolved?

- ✓ YES → Process ends.
- ✗ NO → Move to Step 2.

Step 2 – Submit a Formal Written Complaint



Write to the Town Clerk (or to the Mayor if the complaint concerns the Clerk).

You will receive:

- Acknowledgement within 5 working days
- A full written response within 20 working days

Satisfied with response?

- ✓ YES → Process ends.
- ✗ NO → Move to Step 3.

Step 3 – Request a Review by Councillors



Request review within 10 working days.

A Panel of three Councillors will:

- Review the complaint
- Invite you to attend
- Issue a final written decision within 10 working days

This decision is final.

Contact Details

Sandra Harris, Town Clerk, Lostwithiel Town Council
Edgumbe House Fore Street Lostwithiel Cornwall PL22 0BL
clerk@lostwithieltowncouncil.gov.uk 01208 872323

For complaints about Councillors, contact the Monitoring Officer at Cornwall Council.

APPENDIX A

Policy on Unreasonable, Persistent or Vexatious Complainants

1. Purpose

- 1.1 The purpose of this policy is to enable the Council to manage unreasonable or vexatious behaviour in a fair, proportionate and consistent way, while ensuring that legitimate complaints continue to be addressed properly.
- 1.2 The Council recognises that complainants may sometimes act out of frustration or distress. The Council will not lightly label a complainant as unreasonably persistent or vexatious.
- 1.3 This policy applies only after the Council's Complaints Procedure has been properly followed.

2. Principles

When applying this policy, the Council will ensure that:

- Decisions are proportionate and evidence-based.
- Restrictions are the minimum necessary to protect Council resources and staff.
- Complainants retain access to the complaints process.
- All decisions are recorded and reviewable.

3. Definition

A complainant may be considered unreasonably persistent or vexatious where their behaviour, not the complaint itself, is unreasonable.

This may include (but is not limited to):

- Repeatedly raising the same issue after the complaints procedure has been exhausted.
- Refusing to accept a decision properly reached and explained.
- Persistently changing the basis of the complaint.
- Making excessive contact about the same matter.
- Making personal, abusive or inflammatory statements.
- Making unfounded allegations against staff or Councillors.
- Demanding responses within unreasonable timescales.
- Recording meetings or calls without consent and using them to harass.
- Pursuing complaints in a manner that places disproportionate demand on Council resources.

A complainant will not be deemed vexatious simply because:

- They are persistent.
- They strongly disagree with the Council's decision.
- They use firm or emotional language.

4. Procedure for Applying Restrictions

4.1 Before determining that a complainant is unreasonably persistent or vexatious, the Council will:

- Review the complaint history.
- Ensure the complaints procedure has been fully completed.
- Consider whether any new issues have been raised.

4.2 The complainant will be issued with a written warning which will:

- Explain why their behaviour is considered unreasonable.
- Provide examples of the behaviour causing concern.
- Specify what change in behaviour is required.
- State that restrictions may be applied if behaviour continues.

4.3 If behaviour does not improve, the Council may resolve (by formal decision of Council or delegated authority where appropriate) to apply restrictions.

5. Possible Restrictions

Restrictions may include (but are not limited to):

- Limiting contact to one specified officer.
- Limiting contact to written communication only.
- Requiring correspondence to relate only to new matters.
- Refusing to respond to repeated correspondence on a concluded matter.
- Setting reasonable limits on frequency of contact.
- Excluding the complainant from Council premises where there is evidence of harassment or threatening behaviour (subject to legal advice where appropriate).

Restrictions will:

- Be proportionate to the behaviour.
- Not prevent the complainant from raising new and substantive issues.
- Not prevent the complainant from exercising statutory rights.

6. Decision Making

6.1 A decision to classify a complainant as unreasonably persistent or vexatious must:

- Be approved by Full Council or a properly constituted Panel of Councillors.
- Be supported by clear written evidence.
- Be recorded in the minutes (excluding confidential details where necessary).

6.2 The complainant will be notified in writing of:

- The decision and reasons.
- The restrictions being applied.
- The duration of the restrictions.
- Their right to request a review of the decision.

7. Duration and Review

- 7.1 Restrictions will normally apply for a defined period (e.g. 6 or 12 months).
- 7.2 The complainant may request a review of the decision after the specified period.
- 7.3 The Council will review the decision at least annually and may remove restrictions if behaviour has improved.

8. Record Keeping

- 8.1 The Council will maintain a confidential record of:
 - Correspondence and behaviour giving rise to the decision.
 - Warnings issued.
 - The formal decision and rationale.
 - Reviews undertaken.
- 8.2 Records will be retained in accordance with the Council's data protection and records retention policies.

9. Interaction with Other Legal Powers

Nothing in this policy prevents the Council from:

- Seeking legal advice where harassment or defamation occurs.
- Reporting criminal behaviour to the Police.
- Relying on statutory powers to maintain order at meetings.

APPENDIX B

Council Member do's & don'ts

Handling Complaints & Difficult Complainants

DO

1. Follow the Adopted Procedure

- Stick strictly to the Council's Complaints Procedure.
- Ensure staged escalation is respected.
- Apply timescales consistently.
- Record decisions clearly with reasons.

2. Stay Objective

- Focus on the **issue**, not the person.
- Separate criticism of the Council from personal criticism.
- Base decisions on evidence, not emotion.

3. Be Proportionate

- Apply the minimum restriction necessary.
- Ensure any restriction is time-limited and reviewable.
- Allow access for new or substantive issues.

4. Consider Equality Duties

Under the Equality Act 2010:

- Consider whether behaviour may relate to disability.
- Consider reasonable adjustments.
- Record that equality considerations were taken into account.

5. Protect Confidentiality

- Discuss complaint details in confidential session where appropriate.
- Avoid naming complainants in public minutes unless legally required.
- Handle correspondence securely.

6. Remain Professional at Meetings

- Be calm and neutral.
- Avoid argumentative exchanges.
- Use the Chair properly to manage behaviour.
- Rely on Standing Orders to maintain order.

7. Seek Advice When Needed

- Consult the Clerk on procedure.

- Seek legal advice if litigation, discrimination, or exclusion from premises is being considered.

✘ DON'T

1. Don't Personalise It

- Do not describe complainants as “troublemakers,” “nuisances,” or similar.
- Avoid emotive or sarcastic language in meetings or emails.

2. Don't Depart from the Procedure

- Do not shortcut stages.
- Do not refuse to acknowledge complaints unless formally restricted.
- Do not create informal “side processes.”

3. Don't Label Someone “Vexatious” Lightly

- Behaviour must justify the designation.
- Provide warning before restrictions.
- Ensure Full Council or proper Panel approval.

4. Don't Restrict Statutory Rights

- Do not prevent lawful attendance at public meetings.
- Do not prevent access to statutory rights (e.g., accounts inspection).
- Restrictions must relate to behaviour, not civic rights.

5. Don't Engage in Ongoing Email Exchanges

- Avoid prolonged back-and-forth correspondence.
- Keep responses factual and concise.
- Close correspondence clearly once the procedure is complete.

6. Don't Ignore Escalation Risk

Warning signs requiring caution:

- Threats of legal action
- Allegations of discrimination
- Allegations of harassment
- Recording of meetings or interactions

Escalate to Clerk and consider advice.

Quick Governance Reminder

The greatest legal risk to the Council is not the complaint itself — it is **failing to follow the adopted procedure consistently and proportionately.**

Stay calm.

Stay procedural.

Stay recorded.