

Complaints Policy

1. Policy

Thorntree Internal DB views complaints as an opportunity to learn and improve for the future as well as a chance to put things right for the person or organisation that has made the complaint. Our policy is to provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint. The Board will:

- Publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- Make sure all complaints are investigated fairly and in a timely way.
- Make sure that complaints are, wherever possible, resolved and that relationships are repaired.
- Gather information which helps us to improve what we do.

Definition of a Complaint

A complaint is an expression of dissatisfaction whether justified or not about any aspect of Thorntree Internal Drainage Board.

2. Procedure

Thorntree Internal Drainage Board complaints policy is available from the Board's website www.thorntree-edb.org.uk. A hard copy of the procedure is available on request from the Board's offices at 4 Belgravia, Goole, DN14 5BU; telephone 01405 762557

1. If you have cause to complain about the services provided by Thorntree Internal Drainage Board please initially address your concerns to the Clerk on 01405 762557 or by letter to the address above, or by email to clerk@thorntree-edb.org.uk
2. In the event that your initial concerns are not dealt with as a result of your first contact, you are requested to send a written summary of your complaint to: The Clerk, Thorntree Internal Drainage Board, 4 Belgravia, Goole, DN14 5BU ; telephone: 01405 762557; email: clerk@thorntree-edb.org.uk
3. Once your written summary of complaint has been received, the most appropriate person will be assigned to deal with your complaint depending upon its nature and will contact you in writing within two working days to inform you of their understanding of the circumstances leading to your complaint. You will be invited to make any comments you may have in relation to that summary.
4. Within **twenty** days of receipt of your written summary, the person dealing with your complaint will write to you in order to inform you of the outcome of the investigation into your complaint and to let you know what action has been taken or will be taken. Should the matter require longer investigation then you will be informed of the reason for delay.
5. If you remain dissatisfied with the outcome of the investigation then you may request that your complaint be reviewed at Board level. At this stage your complaint will be passed to the Board's Chairman.

The request for Board level review will be acknowledged within **seven days** of receiving it and the acknowledgement will say who will deal with the case and when you could expect a reply.

The Chairman may investigate the facts of the case or delegate suitable Board members to do so.

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Complainants should receive a definitive reply within four weeks. If this is not possible then a progress report will be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation and any action taken as a result of the complaint.

6. Should your complaint relate to the Board's officers or Board member then you are requested to address your complaint to the Board Chairman directly who will initiate a process similar to that described in paragraph 3-5 above, The Chairman may investigate the facts of the case or delegate suitable Board members to do so.

7. If you are dissatisfied with the outcome as determined by the above process or are dissatisfied with any aspect of the handling of your complaint then you may refer the matter to: The Local Government Ombudsman, PO Box 4771, Coventry CB4 0EH; website: www.lgo.org.uk; telephone: 0300 061 0614

3. Aim of this Policy

3.1. The aim is to assist in dealing with all complaints in ways which are consistent, fair and reasonable.

3.2. The policy sets out how the Board will decide which complainants will be treated as vexatious or unreasonably persistent and what the Board will do in those circumstances.

4. Background

4.1. Dealing with a complaint is a straight forward process however in a minority of cases, people pursue their complaints in a way which can impede the investigation of the complaint and/or can have significant resource issues for administration. This can happen whilst the complaint is being investigated, or when the complaint has been dealt with.

4.2. The Board is committed to dealing with all complaints equitably, comprehensively and in a timely manner in accordance with its complaints procedure.

4.3. The Board does not expect its Officers to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes that which is abusive, offensive or threatening and for the sake of example may include:

- Using abusive language on the telephone
- Using abusive language face to face
- Sending multiple emails
- Leaving multiple voicemails

4.4. The Board will take action to protect its Officers and staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, the Board will follow this policy.

4.5. Raising legitimate queries or criticisms of a complaints as it progresses, for example if agreed timescales are not met, is not in itself to be regarded as vexatious or interpreted as unreasonably persistent behaviour of the complainant.

4.6. The Board fully accept and acknowledge the fact that if a complainant is dissatisfied with the outcome of a complaint and seeks to challenge it once, or more than once, this should not necessarily cause the complainant to be labelled vexatious or unreasonably persistent.

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5. Definitions

5.1. The Board has adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"

5.2. The Board defines unreasonably persistent and vexatious complainants as those who because of the frequency or nature of their contacts with the Board through its Officers, hinder consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.

5.3. Examples include the way or frequency that complainants raise their complaint with Management Staff, or how complainants respond when informed of the Board's investigation of complaint and conclusions reached.

5.4. Features of an unreasonably persistent and/or vexatious complainant include those listed below. This list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- (i) Refusing to specify the grounds of a complaint, despite offers of help. (ii) Refusing to cooperate with the complaints investigation process.
- (iii) Refusing to accept that certain issues are not within the scope of a complaints procedure or within the Boards sphere of responsibility.
- (iv) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- (v) Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them disciplined or replaced.
- (vi) Being rude, supercilious or arrogant in the delivery of a complaint or in response to an answered complaint.
- (vii) Changing the basis of the complaint as the investigation proceeds. (viii) Denying or changing statements he or she made at an earlier stage. (ix) Introducing trivial or irrelevant new information at a later stage.
- (x) Raising many detailed but unimportant questions, and insisting they are all answered. (xi) Submitting falsified documents from themselves or others.
- (xii) Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations or with different personnel within a single organisation.
- (xiii) Continued examples of copying and/or blind copying (where it is brought to our attention) of complaints to others in attempts to inflame or incite issues. (xiv) Raising complaints on behalf of others. (xv) Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and expecting instant responses.
- (xvi) Trying to continually create email dialogue which puts pressure on staff to deliver immediate responses, especially out of office hours.
- (xvii) Submitting repeat complaints with minor additions/variations which the complainant then insists make these 'new' complaints.
- (xviii) Refusing to accept a decision which does not uphold a complaint; repeatedly arguing points with no new evidence.
- (xix) The refusal to accept documented evidence as factual

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- (xx) complain about or challenge an issue based on a historic and irreversible decision or incident
- (xxi) Posting of personal views on 'blogs' or websites that seek to subvert/dismiss information they have been provided with regards a complaint and/or incite others to raise similar questions.
- (xxii) Purporting to act on behalf of others or insinuating that a complaint is the collective view of a group or body.
- (xxiii) Frequent or continued correspondence with Board Members regarding a present, previous or historical complaint.

6. Imposing Restrictions

The Board's Management will ensure that the complaint is being or has been thoroughly investigated according to the Boards complaints procedure.

6.1. In the first instance the Clerk will consult and be in agreement with the Board Chairman and Vice Chairman prior to issuing a warning to the complainant. The Clerk will contact the complainant, in writing and/or by email advising them that their contact with the Board in future will be restricted and the reasons why this decision has been reached.

6.2. Any restriction imposed on the complainant's contact with the Board will be appropriate and proportionate and the complainant will be advised of the period of time the restrictions will be in place for. In most cases restrictions will apply for 6 months but in exceptional cases may be extended. In such cases the restrictions will be reviewed by the Board at its tri-annual meetings.

6.3 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include

- Barring the complainant from making contact by telephone except through a third party, eg solicitor/councillor acting on their behalf
- Barring the complainant from telephoning or sending emails to Management and insisting they only correspond by letter
- Requiring contact through one named Officer only
- Letting the complainant know that the Board will not reply to or acknowledge any further contact from them on the specific topic of that complaint• In extreme cases where a complainant has manifested a number of points bulleted within Section 5 on definitions, the Board reserves the right to disregard.

6.4. When the decision has been taken to apply this policy to a complainant the Clerk will contact the complainant to explain why:

- The Board has taken the decision,
- What action the Board is taking,
- The duration of that action,
- The review process of this policy, and
- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent complainant.

6.5. Where a complainant continues to behave in a way which is unacceptable, the Board may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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7. New complaints from complainants who are treated as abusive, vexatious or persistent

7.1. New complaints from people who have come under this policy will be treated on their merits. The Board will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Board does not support a “blanket policy” of ignoring genuine requests or complaints where they are founded.

7.2. The fact that a complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on the board’s contact with him or her will be recorded.

8. Review

8.1. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Board after six months and at the end of every subsequent six months within the period during which the status of the complainant is judged to be unreasonable

8.2. The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended

9. Referring unreasonably persistent or vexatious complainants to the Local Government Ombudsman

9.1. There may be instances where relations between the Board and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the LGO may be prepared to consider a complaint before the procedure has run its course and the Clerk on behalf of the Board shall contact the LGO in this regard.

10. Certification

Board members agree to introduce this Complaints Policy on the 19th day of December 2017

By Order of the Thorntree Internal Drainage Board

Certified by Michael J Townend, Clerk to the Board