

Adopted April 2021 to be reviewed annually.

## **Complaints Procedure**

### **1. Internal Review Process**

The following procedure applies:

Please put your complaint in writing, providing any supporting evidence, to the Clerk to the Council. This information will be passed to the Chair for investigation. Please be aware that your complaint may be shared with Councillors on the Parish Council.

You will normally receive a response within 40 working days.

If you are dissatisfied with this response please follow the formal complaints procedure outlined below.

### **2. Formal Complaints Procedure**

If you were dissatisfied with the outcome of the internal review procedure you should make a formal complaint. The following procedure applies:

Please put your complaint in writing, providing any supporting evidence, to the Clerk to the Council, who will investigate and respond to your complaint within 40 working days.

If the Clerk to the Council dealt with your initial request for information your complaint will automatically be referred to the Chairman of the Council for independent consideration. In this case you will receive a response within 40 working days. Please be aware that your complaint may be shared with Councillors on the Parish Council.

If you are still not satisfied by the response to your complaint, please contact South Oxfordshire District Council and make a formal complaint via their website.

### **Vexatious Requests**

Whilst Goring Heath Parish Council wishes to be open and transparent, and provide as much information as possible about the work it does, there are occasions when it might be necessary to decide that a request is “vexatious” within the meaning of the legislation. There have been a number of legal cases recently which have helped to set out what is meant, legally, by “vexatious” and which have confirmed that parish councils have limited resources and that their obligations under the legislation must be proportionate to those resources. Public authorities do not have to comply with vexatious requests. There is no requirement to carry out a public interest test or to confirm or deny whether the requested information is held. The key question is whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress. There is no exhaustive list of circumstances. Every case is unique and judged within the context and history of that specific situation.

“Vexatious” indicators include

- Abusive or aggressive language
- Burden on the authority
- Personal grudges
- Unreasonable persistence

## Goring Heath Parish Council : Complaints Policy

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- Unfounded accusations
- Intransigence
- Frequent/overlapping requests
- Deliberate intention to cause annoyance

The Parish Clerk deals with all requests for information on behalf of the Council. If a request is considered to be potentially vexatious the Clerk will prepare a summary, setting out the context and history to the request, which will be reviewed by the Council.

The review The following will be considered:

- the purpose and value of the request
- whether the purpose and value justifies the impact on the public authority
- the context and history. If there has been a long and frequent series of requests then the most recent request, though not obviously vexatious in itself, will contribute to the aggregated burden
- have there been numerous follow-up enquiries no matter what is supplied? This will be balanced against how clear the Council's responses have been; has contradictory or inconsistent information been supplied or is a legitimate grievance being pursued?

Final warning If, having considered all of the above, the Council thinks there is a case for treating the request as vexatious then consideration will be given to a "final warning". This is a letter, or email, to the person making the request explaining the impact the request(s) are having and asking that their behaviour be moderated. This "final" warning will not be appropriate in all cases but, if it is possible that the person making the request has not appreciated the impact of what they are doing, then it may assist. The Council may want to ask the person making the request whether advice and assistance would help in clarifying what exactly they wish the Council to provide. Again, this may not be appropriate in every circumstance, but should be considered.

Report to the Parish Council

The history of the matter will go forward as part of a report to the Council, setting out the evidence and reasoning behind the recommendation to propose that the request be treated as vexatious. The decision to declare a request vexatious will be taken by the Council. This decision should be taken within 20 working days of receipt of the request. In a small parish it is not possible for there to be an internal review process once the Council has reached its decision that the request is vexatious.

Please note that if a request is found to be vexatious, and further requests are received on the same topic, no response will be provided.