

SOMERCOTES PARISH COUNCIL

Complaints Procedure

Approved at Council Meeting: 20th January 2017

Date of Next Review	Review Approved	Signed	Date
25 September 2022			
September 2023			

Clerk:

Chairman:

1. Introduction

- 1.1. It is expected that most routine complaints can be resolved speedily and amicably by the Clerk to the Council. On occasions where an informal approach has not resolved the complaint, or the complaint is so serious that it requires the formal complaints procedure, then the following procedure is to be followed.
- 1.2. This procedure covers routine complaints. There is a separate policy for those that could be described as habitual and vexatious. The majority of complaints generally fall under the first category and only occasionally move to the second option which is covered by the Habitual and Vexatious Complaints Policy
- 1.3. Habitual or vexatious complaints are defined here as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
- 1.4. This procedure falls within the self-regulatory framework of internal complaints procedures (with the exception of complaints detailed at 1.4 below). **Complaints handled under this procedure will be relating to parish council maladministration; service failure, failure to provide a service or parish council procedures.**
- 1.5. Some types of complaint will be handled outside this procedure: Financial irregularity will be handled by the Council's own auditor / Audit Commission; Criminal activity by the Police; Member conduct by the standards committee of the relevant principal authority; Employee conduct by **internal disciplinary procedure**.

2. Complaints Procedures for Local Councils

- 2.1. Councils will handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not involved with the particular case.
- 2.2. If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.
- 2.3. The clerk will normally represent the council through the proceedings but a nominated councillor may act instead.
- 2.4. Individual councillors must not deal with complaints outside of this process.

3. The Procedure

3.1. *Before the Meeting*

- The complainant will make the complaint in writing to the clerk of the council. Assistance will be given to the claimant if necessary. However, if a formal complaint is being raised against the clerk, the same process will be followed but will be managed by the Chairman of the Council. The complainant will receive an acknowledgement **within 7 working days** of receipt
- The complainant will be advised when the matter will be considered and whether it will be treated confidentially by nominated councillors (Committee) or heard by full council. **This information will be made in writing within 21 days of receipt of the complaint.** A copy of this procedure will also be given to the complainant.
- The complainant will be invited to attend a meeting with a representative if wished.
- Not later than **7 clear working days** prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

3.2. At the Council Meeting or Committee Meeting

- The chairman of the meeting will introduce everyone and explain the procedure.
- The Council shall consider whether the circumstances of the complaint warrant the exclusion of the public/press.
- The complainant (or representative) will outline the grounds for complaint before any questions from the clerk and then from members if present.
- The clerk will explain the council's position before any questions from the complainant, and from members if present.
- The complainant and the clerk will then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If a point of clarification is required both parties to be invited back to the meeting.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

3.3. After the Meeting

- The decision will be confirmed in writing within **7 working days** together with details of any action to be taken.
- The result of the proceedings will be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

3.4. Appeals

- Should the complainant not agree with the decision they will be entitled to appeal the decision within fourteen days of receipt of the result of the proceedings. **This appeal will be acknowledged within 7 days of receipt.**
- The councillors nominated to handle the appeal will, within **21 days** of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council then the appellant will be notified that the appeal has not been successful. If the complaint was not handled correctly it will be referred back for consideration as at 3.2.
- The appellant will be notified of the result of the appeals process **within 14 days**.

4. Habitual and Vexatious Complaints

- 4.1. Councils will endeavor to deal with complaints in an efficient, equitable and effective manner.
- 4.2. The council has a separate policy for investigating habitual and vexatious complaints.

5. Identifying Habitual and Vexatious Complaints

- 5.1. The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint is addressed and the focus is not on the complainant on a personal level. The complaint is the issue during any procedure and decision making.
- 5.2. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

6. Guidelines

- 6.1. Councils will try to keep open the lines of communication with appropriate support e.g.

clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.

- 6.2. Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

7. Procedure

- 7.1. The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the chairman or vice chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.
- 7.2. The chairman or vice chairman will contact the complainant in an effort to resolve the situation.
- 7.3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The council will give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.
- 7.4. The chairman/vice chairman will:
- Listen to the grievance/complaint
 - Assure the complainant of confidentiality with personal details
 - Carefully explain what action the council has taken within its remit to resolve the complaint
 - Offer any relevant support about the complaints procedure to the complainant
 - Suggest complaint routes available if complaint is outside the council's remit
 - Explain how the complainant's actions are of concern but are hampering the complaints procedure
 - Explain what actions the council may take
 - Seek an assurance that the persistent/unreasonable nature of complaint will be addressed
- 7.5. The outcome and relevant details of the meeting will be noted.

8. Decision

- 8.1. If the complainant continues to behave in unreasonable and/or vexatious way, the clerk will seek the approval of the council to follow the Habitual and/or Vexatious Policy and agree what action(s) to take, e.g. restrict or refuse any further contact.
- 8.2. The complainant will be advised by letter from the clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
- 8.3. The council will record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act.
- 8.4. The clerk will notify all councillors and members of staff as appropriate.
- 8.5. Any new complaint from any person who has come under the policy must be treated on its merit.

9. Review

- 9.1. The decision taken at Section 8 will be reviewed after **6 months**. The complainant will be notified of the result if the decision to apply the policy has been reversed.