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Complaints Procedure

This Policy sets out procedures for dealing with complaints that anyone may have about the Parish Council's Administration or Procedures only. This procedure covers routine complaints and 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.

Some types of complaints are handled outside this procedure:

- Financial irregularities are handled by the Council's own auditor / Audit Commission.
- Criminal activity by the police.
- Employee conduct by internal disciplinary procedure (The complainant can be assured that the matter will be dealt with internally and appropriate action taken as required).
- Member conduct by the standards board committee of the relevant principal authority.

More information can be found at <http://www.ne-derbyshire.gov.uk/council-democracy/tell-us-what-you-think/complaints-against-councillors/>

This policy is inline with the Model Complaints Procedure for Parish Councils.

How to complain about the Parish Council's administration and procedures

Eckington Parish Council is committed to providing a quality service for the benefit of the people who live and work in its area or are visitors to the locality. However, you may feel you need to complain about the Council's administration and procedures, for example you may be dissatisfied with the standard of service you have received, are unhappy about an action or inaction by the council or how council employees have dealt with your complaint.

In the first instance complaints to the Clerk will be dealt with informally or explanations will be provided by the Clerk or Chair. If you are still not satisfied, then the following procedure applies.

- 1 You may make your complaint to the Clerk. You may do this by letter or by email. Contact details can be found at the end of this document.
- 2 If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chair of the Council. The Chair will report your complaint to the relevant committee or the council (as appropriate). Contact details can be found at the end of this document. If the complaint is received by the Chair, the clerk will manage the process for the council.
- 3 Your complaint will be acknowledged within 5 working days
- 4 On receipt of a written complaint the Chair of the Council, the relevant committee or the Clerk to the Council shall try to settle the complaint directly with you.
- 5 The Chair of the Council, the relevant committee or the Clerk to the Council will report on complaints deemed serious enough to the next meeting of the Council on any written complaint that has been resolved by direct action with you.
- 6 The Chair of the Council, the relevant committee or the Clerk to the Council will bring any written complaint that has not been settled, to the relevant committee. The Clerk to the Council will notify you of the date on which the complaint will be considered. You will be offered an opportunity to explain the circumstances of the complaint orally to the Members of the Council or of the relevant committee. If deemed necessary, a separate meeting (see 'The meeting' below) will be called to discuss the complaint with you.
- 7 The Council or relevant committee will consider whether the circumstances surrounding any complaint warrant the matter being discussed in the absence of the press and public, however, any decision regarding a complaint will be announced during the public session of a Council meeting.
- 8 Within 7 working days the decision and the nature of any action to be taken will be communicated to you in writing.
- 9 The Council will defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint will be dealt with at the next meeting after the advice has been received.
- 10 The decision of the Council or relevant committee is final
- 11 A summary of complaints received during the year will be included in the Chair's Annual Report

THE MEETING

Seven clear working days prior to the meeting you will be asked to provide to the Council or relevant committee with copies of any documentation or any other evidence, which you wish to refer to at the meeting. The Council shall similarly provide you with copies of any documentation upon which they wish to rely at the meeting.

- The Chair will introduce everyone
- The Chair will explain the procedure
- You or your representative will outline the grounds for the complaint.
- The Members may ask you any question
- If relevant, the Clerk or other proper officer will explain the Council's position.
- The Members may ask any question of the Clerk or proper officer.
- The Clerk or other proper officer and you will be offered an opportunity for a 'last word', in that order.
- The Clerk or other proper officer and you will be asked to leave the room whilst Members decide whether or not the grounds of the complaint have been made. If clarification is necessary, both parties will be invited back to the meeting.
- You and the Clerk or other proper officer will be asked to return to hear the decision which will also be communicated to you in writing within 7 working days.

After the Meeting

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

Appeals

- Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal should, within twenty-one 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 should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration.
- The appellant should be notified of the result of the appeals process within fourteen days.
- An appeal can only be made about the procedure not the decision made.

Notes

It may be that the Clerk or other proper officer at the meeting represents the position of the Council. If the Clerk or other proper officer is putting forward the justification for the action or procedure complained of, he/she should not advise the Council.

All parties should be treated fairly and the process should be reasonable, accessible and transparent.

The Council will bear in mind the provisions of the Data Protection act 1998 and the Freedom of Information Act 2000 in dealing with complaints.

In the event of a seemingly serious or malicious complaint, the Parish Council may consider taking legal advice.

Habitual or vexatious complaints are defined as unreasonable complaints, enquires or outcomes that are repeatedly or obsessively pursued. The Council will endeavour to deal with complaints in an efficient, equitable and effective manner. The Council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.

The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

Guidelines, it is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

The Council will 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.

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

Procedure, The possibility of there being an unreasonable persistent and/or vexatious complaint should 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 complaint procedure.

The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.

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 should give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.

The Chairman/Vice Chairman must:

- 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

The outcome and relevant details of the meeting should be noted.

Decision

If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.

The complainant must 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.

The council must 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.

The Clerk must notify all councillors and members of staff as appropriate.

Any new complaint from any person who has come under the policy must be treated on its merit.

Review

The decision taken about the complainant should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.

Contact Details

Clerk to the Eckington Parish Council
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Market Street
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S21 4JG
Tel 07715668815
Email clerk@eckington-pc.gov.uk

Chair of Eckington Parish Council
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