

Pimperne Parish Council



COMPLAINTS PROCEDURE

Adopted on 14th June 2023.

1. Introduction

-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 covered by paragraph 4 onwards.

-Habitual or vexatious complaints are defined here as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

-Some types of complaint will be handled outside this procedure: financial irregularity will be handled by the Council's own auditor/external auditor, criminal activity by the police, alleged breaches of the Code of Conduct by the Monitoring Officer of the relevant principal authority, employee conduct by internal disciplinary procedure.

2. Complaints procedure

-All complaints must be received in writing, including email, by the Parish Clerk or the Parish Chairman. Assistance will be given to the complainant if necessary.

-Depending on the nature of the complaint it will be handled as follows: the Parish Clerk will initially review the complaint and confirm that it falls within these procedures. Once this is confirmed the Parish Clerk will either.

- Address the complaint and provide an acceptable response to the complainant and report the result to the next full Council meeting. If the approach does not work or the complaint is considered more serious, then it is escalated to one of the following options.

-Recommend that a Complaints Committee is formed to formally hear the complaint.

-Or recommend that the Full Council formally addresses the complaint at an extraordinary Full Council Meeting.

-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 an appeal, if required.

-The clerk will normally represent the council through the proceedings, but a nominated councillor may act instead.

2.5: Minor Complaint:

-The clerk will write to the complainant, including email, stating the findings of the complaint and ask if the complainant is satisfied with the response. The complaint will either then be closed or escalated to the Complaints Committee or Full Council as considered appropriate by the clerk in discussions with the Chair of the council.

2.6. Other Complaints:

-Before the meeting that will consider the complaint:

-The complainant would be advised when the matter will be considered and whether it is being dealt with by the Clerk, whether it will be heard by full council or the Complaints Committee within seven working days of a written complaint having been received.

-The complainant will be invited to attend a meeting with a representative plus a witness acceptable to both parties.

-No later than seven 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.

2.6.2: At the Council or Complaint Committee Meeting.

-The Chairman (normally Parish Clerk) of the meeting will introduce everyone and explain the procedure.

-The complainant (or representative) will outline the grounds for the 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 the decision is unlikely to be finalised on that day an estimated date will be given.

-Once a decision has been made, the Complainant is asked to return and is informed of the decision.

2.6.3: After the Meeting:

-Once the decision has been reached it will be confirmed in writing within seven working days together with details of 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.

2.7 Appeals:

-Should the complainant not agree with the decision they will be entitled to appeal the decision within fourteen working days of receipt of the result of the proceedings.

-The Councillors nominated to handle the appeal will, within twenty-one working days of receiving the appeal, examine the way in which the Council dealt with the complaint.

-If procedures were correctly handled by the Council 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.

-The appellant will be notified of the result of the appeal process within fourteen working days of the appeal decision being made.

3. Habitual and Vexatious Complaints:

3.1 -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 a way which can: impede the investigation of the complaint, have significant resource implications, hinder the complaint service for others, be offensive, abusive or threatening.

-Where the behaviour is extreme or threatens the immediate safety or welfare of the clerk or councillors, the council will report the matter to the police or take legal action.

3.2 Aims of this Section:

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

-It is important to establish guidelines for identifying habitual or vexatious Complainants and that any decisions may follow agreed guidelines and procedures.

3.3 Guidelines for Habitual and Vexatious Complaints:

-The Council will endeavour 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 and suggesting an independent representative to help present their case.

-Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused. A file is to be maintained of habitual and potentially vexatious complainants to provide easily obtainable evidence of such behaviour.

3.4 Procedure

-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.

-The chairman or vice-chairman will contact the complainant in an effort to resolve the situation.

-In the case of a meeting, if there is a personality issue, the chairman or vice-chairman 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.

-In the case of the meeting with the complainant a witness attends who is acceptable to both parties. Following any such meeting the witness shall prepare a statement setting out the meeting's content that both parties shall be invited to sign as an accurate record.

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 by the complainant.

-The outcome and relevant details of the meeting will be noted.

3.5 Decision:

-If the complainant continues to behave in an unreasonable and/or vexatious way, the chairman or vice-chairman will seek the approval of the Council to follow the procedure and agree what action(s) to take e.g. restrict or refuse any further contact.

-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.

-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 in accordance with the Data Protection Act.

-The clerk will notify all councillors.

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

3.6: Review:

-The decision taken at Section 3.5 will be reviewed after six months. The complainant will be notified of the result if the decision to apply the procedure has been reversed.