



Sherfield Park Parish Council Complaints Procedure

1. Introduction

- 1.1. This procedure covers complaints about the Council's administration or its procedures, a complaint against a Council's employee (such as the Clerk; the Littler Warden etc.) or a complaint against a Parish Councillor.
- 1.2. Complaints about a policy decision made by the Council will be referred to the Council for consideration.
- 1.3. This procedure is based on the framework suggested by the National Association of Local Councils.

2. What is a Complaint?

- 2.1. There are two main categories of complaints: **routine complaints** and **habitual or vexatious complaints**. Most complaints fall under the first category and only occasionally move to the second option which is covered in section 5 in more detail.
- 2.2. A routine complaint is defined as an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service - whether the action was taken by the Council or a person or organisation acting on behalf of the Council.
- 2.3. A habitual or vexatious complaint is defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
- 2.4. Please note that some types of complaints are handled outside this procedure.

For example:

- 2.4.1. Financial irregularities are handled by the Council's own auditor or by the Audit Commission
- 2.4.2. Criminal activities are handled by the Police
- 2.4.3. Complaints about a councillor's conduct are subject to the jurisdiction of the Standards Board or the Commissioner for Wales. As a result, complainants must contact the appropriate body directly or the Monitoring Officer for further information.

This procedure is therefore aimed at those situations where a complaint has been made about the administration of the council or about its procedures.

It is not really an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

3. Complaints Procedure

- 3.1. The Council will handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not directly involved with the case.
- 3.2. If the complaint is handled by the full council then two nominated councillors will not take part in the proceedings. They will then be available to handle any appeal, if required.
- 3.3. The Clerk will represent the council through the proceedings, but a nominated councillor may act instead if the situation requires it.

4. Complaints Process

4.1. Before the Meeting

- 4.1.1. You will be asked to put the complaint about the council's procedures or administration in writing to the Clerk or other nominated proper officer.
- 4.1.2. If you do not wish to put the complaint to the Clerk or other proper officer, you may be advised to put it to the Chairman of the Council.
- 4.1.3. The Clerk or other proper officer will acknowledge the receipt of the complaint and advise you when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.
- 4.1.4. You will be invited to attend the relevant meeting and bring with you such representative as they wish.
- 4.1.5. You will be asked to provide the council with copies of any documentation or other evidence at least 7 working days in advance of the meeting.
- 4.1.6. The Council will provide you with copies of any documentation upon which they wish to rely at the meeting at least 7 working days in advance of the meeting.

4.2. At the Meeting

- 4.2.1. The Chairman of the meeting will introduce everyone and explain the procedure.
- 4.2.2. You (or your representative) will be asked to outline the grounds for complaint.
- 4.2.3. If relevant, the Clerk or other proper officer will explain the Council's position before proceeding to questions from the Clerk or other proper officer, from members of the council and from you.
- 4.2.4. You and the Clerk or other proper officer will be asked to summarise your position.
- 4.2.5. Both parties will then be asked to leave the room while the Council members decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.
- 4.2.6. Both parties will be then asked to return in the room to hear the decision, or to be advised when a decision will be made.

4.3. After the Meeting

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

4.4. Appeals

- 4.4.1. If you're not happy with the decision reached, you are entitled to appeal the decision within 14 days of receipt of the result of the proceedings.
- 4.4.2. 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.
- 4.4.3. If procedures were correctly handled by the Council, then you will be notified that the appeal has not been successful.
- 4.4.4. If the complaint was not handled correctly it will be referred to the Council for consideration.
- 4.4.5. You will be notified of the result of the appeal process within 14 days.

5. Habitual and Vexatious Complaints

- 5.1. The Council's aim is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint and not the complainant is at the centre of any procedure and decision making.
- 5.2. The possibility of there being an unreasonably persistent and | or vexatious complaint must 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.
- 5.3. The Chairman or Vice Chairman must contact the complainant to resolve the situation. Throughout this process, the Council must keep open the lines of communication and provide appropriate support such as clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case etc.
- 5.4. If a meeting is required to resolve the situation, the complainant may nominate another councillor to hear their views. A complainant might also wish to bring a representative and the Council must give appropriate support to both the complainant and their representative.
- 5.5. During the resolution meeting, the Chairman or the Vice Chair must:
 - Listen to the grievance
 - Assure the complainant of confidentiality with personal details

- Carefully explain what actions the Council has taken within their remit to solve the complaint
- Offer any relevant support about the complaints procedure
- Suggest complaint routes available if the complaint falls outside the Council's remit
- Explain how the complainant's actions are of concern and how they are hampering the complaints process
- Explain what actions the Council may take
- Seek an assurance that the persistent | unreasonable behaviour will cease
- Ensure that the outcome and relevant details of the meeting have been noted

- 5.6. If the complainant continues to behave in an unreasonable and | or vexatious way, the Chairman or the Vice Chairman should seek the approval from the Council to follow the policy and agree what action(s) to take. For example: restrict or refuse any further contact.
- 5.7. The complainant must be advised in writing of this action, including any further actions the complainant may take with other bodies including the right to obtain independent advice.
- 5.8. The Council may have to initiate further action if the complainant behaves in ways which can impede the investigation, hinder the complaints service for others or behave in a way that is offensive, abusive or threatening.
- 5.9. Any action taken because of a proven persistent and | or vexatious complaint will be proportionate to the degree of aggravation caused.
- 5.10. The Council must record the decision to apply the vexatious policy and hold all relevant correspondence except all personal details about the complaint and the complainant, which must be stored appropriately in line with the General Data Protection Act.
- 5.11. The Clerk must notify all councillors and members of staff as appropriate.
- 5.12. Any new complaint from any person who has come under the vexatious policy must be treated on its merit.
- 5.13. The decision to apply the vexatious policy must be reviewed after 6 months and the complainant must be notified if the decision to apply the policy is reversed.

6. Other Useful Information

To raise an issue or complaint please contact the Clerk.

- e-mail: clerk@sherfieldparkparishcouncil.gov.uk
- mobile: 07778 546477
- address: The Parish Office; 30 Sunwood Drive; Sherfield on Loddon; Hook; Hampshire; RG27 0FP

If your complaint is about the Clerk, please contact our Chairman, contact details via the website – www.sherfieldparkparishcouncil.gov.uk