



RAMPTON & WOODBECK PARISH COUNCIL COMPLAINTS PROCEDURE

Introduction

The following text is based on guidance provided by the Society of Local Council Clerks (SLCC) and provides a template for a complaints procedure which could be adopted by a parish council. Further detailed guidance with regard to handling complaints is available from the National Association of Local Councils (NALC) in their guidance sheet '*Legal Topic Note LTN 9E Handling Complaints (England)*'; this document is also based on text from the NALC model procedure for formal complaints which can be adapted to individual parish councils.

This document is intended to assist with formal complaints Rampton & Woodbeck Parish Council receives about its operations and services.

Complaint procedures are now an integral part of the machinery of nearly every commercial or public service organisation. This is because it is through dealing with, and responding to, accusations or instances of poor performance or service delivery that the organisation sees its faults and has the opportunity to address them and improve.

Principal councils (County, Unitary and District) have the added incentive in that there is the Local Government Ombudsman (LGO) service that has the statutory remit to investigate complaints and the power to issue public reports where it is deemed appropriate. The ombudsman may recommend the payment of compensation or another remedy if appropriate.

The LGO is responsible for handling complaints against principal authorities but does not include Local (Parish) Councils. The LGO has no jurisdiction in respect of a Local Council except 1) it is either jointly working with a Principal Authority via a joint committee, which includes representatives of the Principal Authority. 2) Exercising the functions of a Principal Authority.

This does not mean that local councils may ignore the need to have a robust complaints system, nor that there are not other places that a member of the public, or a member of the council, can go to seek redress for a wrong they consider the council has committed. Depending on the nature of the complaint, and to some extent the person who is making it, there will be an occasion in the life of every Parish Council when a complaint cannot be resolved and the complainant wishes to take the matter further.

These will include complaints concerning the following:

1. Where someone feels very strongly that a decision of the Parish Council was unlawful, they may apply to the courts for a judicial review of the Council's decision;
2. An accusation of financial wrongdoing, where a complaint may be made to the council's external auditor. Aside from referring the matter to another body if required, the auditor will have the power to carry out such actions as refusing to sign off the accounts or producing a public interest report;
3. Breaches of the Members' code of conduct for the council may result in an allegation being made to the local standards committee. It has been known for all members of a council to be reported for a possible breach of the code. This may be in respect of financial wrongdoing, acting on prejudicial interests, not complying with equality legislation and so on;

4. Any matter that raises a suspicion of criminal wrongdoing can be referred to the police;
5. Where the council carries out functions on behalf of another authority, such as litter picking or crime and disorder measures under an agency agreement with the district council, the complaint can be referred to them. In such a situation, the ombudsman may be involved if the matter is not resolved by the principal authority;
6. A complaint that the council has not released information under the Freedom of Information Act 2000 in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner.
A parish council must give reasons for any decision and must inform the applicant if he/she has a right to complain to them about the handling of the request (e.g. through a complaints or other procedure and give details of the procedure), or state that there is no procedure, and of his/her right to complain to the Information Commissioner.

Definitions

1. According to the LGO, a Complaint is:

'An expression of dissatisfaction about the Council's action or lack of action, or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.'

A complaint against a Council may arise from the reasons in the above quote but it may also be triggered by an allegation of administrative fault such as not following procedures, Standing Orders, Inadequate or No Service, a Delay or the making of a mistake.

When a complaint is made against a Local Council, its Members of the Council or Council Staff are likely to be mentioned or complained about. However, a complaint against a Council should be treated as a complaint against the Corporate Body of the Council, not as a complaint against individual employees or Members of the Council.

2. It may be necessary to notify the Council's Insurer of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss, or where the Council is at risk of being held liable in law to pay damages or to provide another legal remedy.

It is important that the Council takes instruction from its insurers how to respond to this kind of Complaint.

The failure of a Council to notify its insurers as soon as a legal claim is threatened or made may invalidate its insurance policy.

3. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
4. 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.

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

5. Some types of complaint will be handled outside this procedure:

- I. Financial Irregularity will be referred to & handled by the Council's Auditor
- II. Criminal Activity should be referred to & handled by the Police
- III. Member Conduct by the standards committee of Bassetlaw District Council as the Principal Authority
- IV. Employee Conduct relating to a Grievance or Disciplinary action will be by the Council's internal disciplinary & grievance procedure.

Complaints Procedure:-

Before The Council Meeting:

1. Complaints about the conduct of a Member of the Parish Council. The Complainant will be asked to contact the Monitoring Officer at Bassetlaw District Council. This must be in writing (either by email or letter) to the Monitoring Officer ros.theakstone@bassetlaw.gov.uk or to The Monitoring Officer, Bassetlaw District Council, Queens Buildings, Potter Street, Worksop, S80 2AH.
2. If a complaint about procedures, administration, decisions of the Council is notified verbally to a Councillor, the Clerk/Responsible Financial Officer, or other employee of the council, a written note of the complaint will be made by the person listening to the complaint, noting the name and contact details of the complainant and the nature of the complaint.
3. Depending on the nature or severity of the complaint, initially the person listening to the complainant will attempt to resolve the matter verbally. However, if this is not possible or the complainant refuses to resolve the matter in this way, they will be asked to put their complaint in writing.
4. The complainant should write their complaint (either by email or a letter) to the Clerk at clerk@ramptonandwoodbeck-pc.gov.uk or to 24 Allison Avenue, Retford, DN22 7JS.
5. The complaint will be acknowledged with within 10 working days of receipt.
6. Once this period of 10 working days has elapsed, the Council will aim to resolve/deal with the complaint within a further 21 working Days. This is because the Council may need time to investigate, carry out research and hold a Council Meeting of the Corporate Body of the Council before a resolution can be made.
7. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
8. If the complainant prefers not to put the complaint to the Clerk they should be advised to write to the Chairman.
9. The complainant will be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure will also be given to the complainant.
10. On receipt of a written complaint, the Clerk (except where the complainant is about their own actions) will liaise with Chairman of Council (or Vice-Chairman if the complaint involves the Chairman) who will then seek to settle the complaint directly with the complainant. This will not be done without first notifying any person involved with the complaint to give them an opportunity to comment. Efforts will be made to resolve the complaint at this stage.

Where the Clerk or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chairman. The Clerk to the Council will be advised of the matter and given an opportunity to comment.

11. The Chairman will report any complaint resolved of by direct action with the complainant, at the next meeting of the Council. However, this will be done in a discrete way to protect the complainant's personal details unless they wish the details to be made public.
12. The Chairman will ask the Clerk to add the Complaint as an Agenda item to allow the Chairman to report any unresolved outstanding complaints at the next meeting of the Council.
13. The Clerk will notify the complainant of the date on which the complaint will be considered and discussed at a Council meeting.
14. If the Council, a Council member, a Council Employee or the Complainant feels that the matter should be addressed confidentially at the exclusion of the Press and other members of the Public, the Agenda Item addressing the Complaint will be debated in private.
15. If the Council, a Council member, a Council Employee or the Complainant feels that the District Councillor or County Councillor should be present they will be allow to attend the meeting and if felt appropriate by all parties, allowed to speak to give advice on the matter.
16. No later than seven clear working days prior to the meeting, the complainant and the Council will exchange copies of any documentation, or evidence to be relied on to each party.

At The Council Meeting:

17. At the meeting the complainant will be offered an opportunity to explain the complaint to the Council verbally.
18. Whilst the complaint may be discussed in the absence of the press and public, any decision on the complaint will be announced at the Council meeting in public.
19. The Chairman of the meeting will introduce everyone and explain the procedure.
20. The complainant (or their representative) will outline the grounds for complaint before they receive any questions from the Chairman, Clerk, Council Members present, The District Councillor or County Councillor.
21. The Chairman will then explain the council's position on the matter before any further questions from the complainant.
22. The Complainant and the Chairman will then each summarise their position on the matter; both then either leave the room or they will sit in silence, whilst the council members decide whether or not grounds for complaint have been made.
23. If the decision is unlikely to be finalised on the day, an estimated date will be provided. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.
24. Matters relating to or leading to a Grievance or Disciplinary proceeding which are taking, or are likely to take place, should be dealt with in accordance with the Council's Grievance/Disciplinary procedures.

After The Council Meeting:

25. The Council may consider in the circumstances of any particular complaint whether to make any 'without liability payment' or provide other reasonable benefit to any person who has suffered loss as a result of the

Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's Auditor on the propriety of such a payment.

26. Any offer of acceptance of financial compensation should be signed for by the complainant and confirm the Council's full and final settlement of the dispute
27. As soon as possible after the decision has been made (not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
28. Should the complainant not agree with the decision, they will be entitled to appeal the decision within 14 calendar days of receipt of the result of the proceedings.
29. The Council will appoint two councillors to handle an appeal, within 21 working days of receiving the appeal; they will examine the way in which the Council dealt with the complaint.
30. 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 per point 10 onwards.
31. The appellant will be notified of the result of the appeals process within 10 working days.

Habitual and Vexatious Complaints :-

Introduction:

32. Whilst 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.
33. The Council's aim 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.
34. The council 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.
35. Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

Habitual and Vexatious Complaints Procedure:-

36. The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the Chairman or Vice-chair to ensure that the complaint has been dealt with according to the council's complaints procedure.
37. The Chairman or vice-chair will contact the complainant in an effort to resolve the situation.
38. 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.
39. The Chairman or Vice-Chair will:-

- a. Listen to the grievance/complaint
 - b. Assure the complainant of confidentiality with personal details
 - c. Carefully explain what action the council has taken within its remit to resolve the complaint
 - d. Offer any relevant support about the complaints procedure to the complainant
 - e. Suggest complaint routes available if complaint is outside the council's remit
 - f. Explain how the complainant's actions are of concern but are hampering the complaints procedure
 - g. Explain what actions the council may take
 - h. Seek an assurance that the persistent/unreasonable nature of complaint will be addressed
40. The outcome and relevant details of the meeting will be minuted by the Clerk.

Habitual and Vexatious Complaints Decision:-

41. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice-chair will seek the approval of the Council to agree what action(s) to take, e.g. restrict or refuse any further contact.
42. 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.
43. 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.
44. Any new complaint from any person who has come under the policy must be treated on its merit.

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This document was adopted by the Council at its Meeting held on 12th Dec 2016. Reviewed annually, next review date May 2021.

