

# **SHELFANGER PARISH COUNCIL COMPLAINTS PROCEDURE POLICY**

## **Introduction**

Shelfanger Parish Council will usually try and resolve complaints in an informal manner. This procedure covers routine complaints and those that could be described as habitual and vexatious.

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
- Criminal activity by the Police
- Complaints that refer to individual councillors, in relation to their conduct, will be referred to South Norfolk District Council's Monitoring Officer.
- Employee conduct by internal disciplinary procedure.

## **Complaints Procedures**

The Council will handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not involved with the particular case.

If the complaint is handled by the full council then three nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.

If the complaint is not to be heard at a full council meeting the Chair, Clerk and three councillors will hear the complaint.

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

## **The Procedure**

**Before the Meeting:**

The complainant will complain in writing to the Clerk or to the Chair of the Council. Assistance will be given to the claimant if necessary.

- 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.
- The complainant will be invited to attend a meeting with a representative if wished.
- Not 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.

## **At the Parish Council Meeting or Complaints Meeting**

- The Chair of the meeting will introduce everyone and explain the procedure.
- 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 the decision is unlikely to be finalised on that day an estimated date will be given.

## **After the Meeting**

- The decision will be confirmed in writing within seven 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.

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## **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.
- The three councillors nominated to handle the appeal (who would not have been party to the original complaints meeting) will, within twenty one days of receiving the appeal, examine the way in which the Council dealt with the complaint.
- The Vice Chair will chair the appeal meeting.
- 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.
- The appellant will be notified of the result of the appeals process within fourteen days.
- If the complainant maintains the complaint has been mishandled and that the Council cannot be deemed to be impartial the District Council's Monitoring Officer will be consulted for advice and as a final arbiter.

## **Habitual and Vexatious Complaints**

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

- (a) impede the investigation of the complaint;
- (b) have significant resource implications
- (c) hinder the complaints service for others;
- (d) be offensive, abusive or threatening.

## **Aims of SHELFANGER PARISH COUNCIL**

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

## **Guidelines:**

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, suggesting an independent representative to help present their case if required.  
Any action taken as a result of persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

## **Procedure**

The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the Chair or Vice Chair to ensure that the complaint has been dealt with according to the council's complaints procedure. The Chair or Vice Chair will contact the complainant in an effort to resolve the situation. In the case of a meeting where there are conflicts of interest considered by the complainant to jeopardise the outcome of any decision, then 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.

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

### **Decision**

If the complainant continues to behave in unreasonable and/or vexatious way, the Chair or Vice Chair will 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 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 appropriately in line with the *Data Protection Act*. The Clerk will notify all councillors, Any new complaint from any person who has come under the policy must be treated on its merit.

### **Review**

Complaints will be reviewed after 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.

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