



## Complaints

<b>Version number:</b>	2	<b>Author:</b>	Margaret Gould, Clerk
<b>Date adopted:</b>	09/07/2012	<b>Signatory:</b>	Sandra Larkins, Chair
<b>Date this version approved by Council:</b>	12/12/2016	<b>Review due:</b>	Annually from date version approved by SPC – to left

### 1. Introduction

Speen Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If dissatisfied with the standard of service received from this council, or unhappy about an action or lack of action by this council, this Complaints Procedure sets out how to complain to the council and how it shall try to resolve the complaint. It is to be noted that, wherever possible, the appropriate time for influencing Council decision-making is by raising concerns before the Council debates and votes on a matter.

### 2. Purpose

The aim of this policy is to:

- ensure the council manages each case properly, consistently, fairly and respectfully
- strive to ensure that the complaint, not the complainant, is the issue during any procedure and decision making
- establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

### 3. Scope

- 3.1 This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with concerns.
- 3.2 This Complaints Procedure does not apply to:
- Complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 9<sup>th</sup> July 2012 and reviewed annually. If a complaint against a councillor is received by the council, it will be considered by the Finance & General Purposes Working Party to confirm that there are grounds for complaint under the Code of Conduct. Once it has been established that there are genuine breaches of the Council's Code of Conduct the matter will be referred to the Standards Committee of West Berkshire District Council. Further information on the process for dealing with complaints against councillors may be obtained from the Monitoring Officer of West Berkshire District Council.
  - Financial irregularity, which will be handled by the Council's own auditor / Audit Commission
  - Criminal activity, which will be handled by the Police
- 3.3 This policy is fully supported by council.



#### **4: Responsibilities:**

- 4.1 Council members and staff are individually and equally responsible for their own behaviour and actions.
- 4.1 The Clerk is the first point of contact for complaints against SPC. In most instances, the Clerk will administer the complaint procedure and keep the Council involved at all stages. However, a nominated councillor may act instead.
- 4.2 It is preferable to handle complaints in full council, once the F&GP Working Party (WP) have determined there are grounds for complaint. However, the full council may nominate councillors who are authorised to deal with complaints but are not involved with the particular case. This would be usually the F&GP WP, who may delegate to an HR WP.
- 4.3 If the complaint is handled by the full council then a minimum of two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.

#### **5 Procedure**

- 5.1 Council will endeavour to deal with complaints in an efficient, equitable and effective manner.
- 5.2 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 considered offensive, abusive or threatening.

##### **Before the meeting at which the full council will hear the complaint:**

- 5.3 The complainant should complain in writing to the clerk or to the chairman of the council. The addresses and numbers are set out below. Assistance will be given to the claimant if necessary.
- 5.4 If the complainant does not wish to report the complaint to the Clerk, he/she may make their complaint directly to the Chairman of the Council who will report the complaint first to the F&GP WP, and to full council as second.
- 5.5 Wherever possible, the Clerk will try to resolve the complaint immediately. If this is not possible, the Clerk will normally try to acknowledge the complaint in writing within five working days (by letter or email).
- 5.6 The Clerk or the F&GP WP or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from the complainant and/or from staff or members of the Council.
- 5.7 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.
- 5.8 The complainant will be invited to attend a meeting, and with a representative if wished.
- 5.9 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 meeting at which the full council will hear the complaint:**

- 5.10 The complainant will also have the opportunity to raise his/her concerns in the public participation section of Council meetings.



- 5.11 The chairman of the meeting will introduce everyone and explain the procedure.
- 5.12 The complainant (or representative) will be invited to outline the grounds for complaint
- 5.13 The clerk or Chair of Council will explain the council's position
- 5.14 The complainant will be given an opportunity to ask questions
- 5.15 Members of council will be given an opportunity to ask questions.
- 5.16 The complainant will then summarise the position; then be asked to leave the room while members decide whether or not the grounds for the complaint are legitimate and further action to be taken, if any.
- 5.17 The complainant will be invited back into the room and advised whether or not the council have come to a decision. Although a decision may be made verbally, the complainant will be advised that a decision will be given also in writing.
- 5.18 If the decision is unlikely to be finalised on that day an estimated date will be given.

**After the Meeting:**

- 5.19 The Clerk or the Chairman of the Council will notify the complainant within 20 working days of the outcome of the complaint and of what action (if any) the Council proposes to take as a result of the complaint. (In exceptional cases the 20 working days timescale may have to be extended. If it is, the complainant will be kept informed.)

**Appeals procedure:**

- 5.20 Should the complainant not agree with the decision they will be entitled to appeal the decision within ten clear working days of receipt of the result of the proceedings.
- 5.21 The councillors nominated to handle the appeal will, within fifteen clear working days of receiving the appeal, examine the way in which the council dealt with the complaint.
- 5.22 If procedures were correctly handled by the council then the appellant will be notified that the appeal has not been successful.
- 5.23 If the complaint was not handled correctly it will be referred back for consideration.
- 5.24 The appellant will be notified of the result of the appeals process within ten clear working days.
- 5.25 If the complainant is unhappy with a Council decision, he/she may raise their concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
- 5.26 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.

**6 Procedure for dealing with habitual or vexatious complaints:**

- 6.1 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.
- 6.2 The chairman or vice chairman will contact the complainant in an effort to resolve the situation.
- 6.3 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 as required to the complainant in choosing a representative *etc.*

6.4 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
- The outcome and relevant details of the meeting will be noted.

**Decision**

- 6.5 If the complainant continues to behave in unreasonable and/or vexatious way, the chairman or vice chairman 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 and members of staff as appropriate.
- 6.6 Any new complaint from any person who has come under the policy must be treated on its merit. The decision taken will be reviewed after 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.

**7 Useful contacts**

- Local Government Ombudsman for England [www.lgo.org.uk](http://www.lgo.org.uk) 0300 061 0614
- SLCC [www.slcc.co.uk](http://www.slcc.co.uk)

**8 Authorisation of Policy on behalf of Full Council:**

The undersigned approves this policy on behalf of Speen Parish Council.

Signature:

Name (print):

Position:

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_