

Payhembury Parish Council

Complaints policy and procedure

1. Introduction

- 1.1. Payhembury Parish Council is committed to providing its services efficiently and to as high a standard as possible. The Council takes all complaints very seriously.
- 1.2. Complaints received from members of the public about the administration or procedures of Payhembury Parish Council are not subject to the jurisdiction of the Local Government Ombudsman. However, for the transparency in local government and for the benefit of good local administration, Payhembury Parish Council has adopted a formal procedure for considering complaints.
- 1.3. It is essential that complaints are dealt with positively. The Parish Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement.
- 1.4. An up-to-date copy of this policy shall be maintained on Payhembury Parish Council's website.
- 1.5. The Parish Council's Complaints Policy applies to the following three areas of complaint:
 - a. Complaints about a Parish Council service or function
 - b. Complaints about a member of staff
 - c. Complaints about a Parish Councillor
- 1.6. The purpose of this policy is to ensure that Payhembury Parish council has a clear procedure for dealing with complaints in order to:
 - a. Have the opportunity to respond to and resolve any issues that arise.
 - b. Learn from mistakes and prevent them from happening in the future.
 - c. Review policies and procedures where necessary.

2. Definition of a complaint

- 2.1. *A complaint is any expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Parish Council, its elected members or staff, which affects an individual customer or group of customers.*

3. What the Complaints Procedure will deal with:

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- Failure to provide advice or information when reasonably requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

4. What the complaints procedure will not deal with:

- Complaints for which there is a legal remedy or where legal proceedings already exists.

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- Complaints about employment matters, these will be dealt with by the Parish Council's internal grievance procedure.
- Complaints about an incident or matter which took place longer than 12 months ago.

5. Equal Opportunities

- 5.1. The Parish Council is committed to equal opportunities. Complaints/feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 5.2. Complaints by members of the public of discrimination and/or harassment against the Parish Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

6. Stages of the Procedure

- 6.1. The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for the Parish Council to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.
- 6.2. The majority of complaints are likely to start as informal contact with the Clerk or Parish Councillors to discuss a problem. Mistakes and misunderstandings are often resolved informally at this stage. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.
- 6.3. If an informal complaint cannot be resolved satisfactorily, or if the complainant does not want to raise an informal complaint first, then the Formal Complaints Procedure below should be followed.

7. The Formal Complaints Procedure

7.1. Informing the Council of a Complaint

- 7.1.1. The complainant will be asked to put any complaint about the Council's procedures or administration in writing to the Clerk, providing their name, address, and contact number, together with the nature of the complaint. If the complainant does not wish to put the complaint to the Clerk, or if the complaint is about the Clerk or a Councillor, the complaint may be put to the Chairman of the Council or their nominated deputy.
- 7.1.2. Where the Clerk receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Chairman of the Council.
- 7.1.3. The complaint shall be acknowledged in writing within 7 working days and, if appropriate, Parish Councillors informed that a formal complaint has been received.
- 7.1.4. The recipient of the complaint shall try to settle the complaint directly with the complainant within 14 working days of receipt of the complaint, in conjunction with other Parish Councillors or staff as the recipient sees fit. However, they shall not do so without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.

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- 7.1.5. If the investigation of the complaint is likely to take more than 14 working days, the complainant will be notified together with a reason for the extended investigation period.
- 7.1.6. The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved, the complainant has the right to request, within 28 working days, that the matter should be referred to the full Parish Council at its next scheduled meeting. A decision made at that meeting shall be considered final and the complaint will be considered closed.
- 7.1.7. If the complainant does not respond within 28 working days, the complaint may be considered closed.
- 7.1.8. If the nature of the complaint is complex or urgent, then a specially convened meeting may be necessary.
- 7.1.9. The complainant shall be invited to attend the relevant meeting where the complaint is to be considered and bring with them such representatives as they wish. Payhembury Parish Council must be informed in advance of who will be attending the meeting and in what capacity.
- 7.1.10. At least 7 working days before the meeting, the complainant will need to provide Payhembury Parish Council with copies of any documentation or other evidence which may be referred to at the meeting. Payhembury Parish Council will similarly provide the complainant with copies of any documentation which it may refer to during the meeting.

7.2. At the Meeting

- 7.2.1. Payhembury Parish Council shall consider whether the nature of the complaint warrants the exclusion of the public and the press from the meeting. If the matter is such that the Parish Council or the Clerk believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. Any decisions on a complaint shall be announced at the Council meeting in public.
- 7.2.2. The following procedure will be followed:
 - 7.2.2.1. The Chairman will introduce everyone
 - 7.2.2.2. The Chairman will explain the procedure
 - 7.2.2.3. The complainant will be asked to outline the grounds of their complaint
 - 7.2.2.4. If relevant, the Clerk will explain Payhembury Parish Council's position
 - 7.2.2.5. Councillors will then have the opportunity to ask questions
 - 7.2.2.6. The complainant will then be offered the opportunity to provide a closing statement
- 7.2.3. If the complaint is against any employee, even if the matter is being dealt with initially out of the context of the formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
- 7.2.4. If the complaint is against any elected member the Chairman (or Vice-Chairman if appropriate) and two other councillors will decide whether the matter is such as to be

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an infringement of the Parish Council's Code of Conduct. If this is felt to be the case, the complaint will be forwarded to the District Council's Monitoring Officer for investigation and recommendation.

- 7.2.5. If the complaint against an elected member does not breach the Parish Council's Code of Conduct, but is felt by three or more Councillors to be contrary to the spirit of the Parish Council's Acceptable Behaviour Policy (see Appendix 1) a recommendation may be made to a meeting of Full Council on how the elected member might make restitution.

7.3. Following the Meeting

- 7.3.1. The decision made by Payhembury Parish Council regarding the complaint will be confirmed in writing within 7 working days of being made. Included with this will be details of any action to be taken.
- 7.3.2. The complainant will have 7 working days following the written confirmation to appeal the decision.

7.4. Appeal Process

- 7.4.1. The complainant must inform Payhembury Parish Council, in writing, if they wish to appeal against the decision.
- 7.4.2. The request for an appeal shall be acknowledged in writing and the complainant advised of when the matter will be re-considered by Payhembury Parish Council.
- 7.4.3. The complainant shall be invited to attend the relevant meeting where the appeal is to be considered and bring with them such representatives as they wish.
- 7.4.4. The appeal process will follow the same procedure as that outlined in section 7.2, providing the complainant with the opportunity to explain their grounds for appeal.
- 7.4.5. Following the appeal, Payhembury Parish Council will confirm its final decision in writing within 7 working days, together with details of any action to be taken.
- 7.4.6. If following the appeal process, the complainant is still not satisfied with the action taken, or if the complainant feels as though they have been unfairly treated, then the complainant can pursue their complaint through the Ombudsman, who provides an independent national service to investigate complaints about councils.
- 7.4.7. The Local Government Ombudsman can be contacted on 0300 061 0614 and further information can be obtained from lgo.org.uk.

8. **Unreasonable and vexatious Complaints**

- 8.1. In the event of serial facetious, vexatious or malicious complaints from a member of the public the council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided, it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint as to justify consideration as a new complaint.

9. **Anonymous Complaints**

- 9.1. Anonymous complaints should be referred to the Proper Officer of the Council and may be acted on at his/her discretion, according to the type and seriousness of the allegation.

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APPENDIX ONE

ACCEPTABLE BEHAVIOUR PROTOCOL

1. Introduction

- 1.1. The following protocol has been devised for Payhembury Parish Council elected members and staff in order to ensure an equitable and supportive working environment through mutual respect and acceptable behaviour at all times.
- 1.2. The protocol firstly sets out the core principles of acceptable behaviour within Payhembury Parish Council for both elected members and staff. It then defines unacceptable behaviour and identifies strategies and methodology to deal with any breaches of the acceptable behaviour protocol.

2. Core Principles

- 2.1. Payhembury Parish Councillors and the Proper Officer of the Council will: -

- At all times treat each other with courtesy, respect and dignity.
- Be aware of the effect of their individual behaviour on others and only make reasonable and manageable demands
- Communicate with each other in a clear and honest manner
- Welcome honest feedback and constructive criticism
- Value the existing skills of the individual and support each individual's personal and professional development

3. Unacceptable Behaviour

- 3.1. Payhembury Parish Council will not condone any behaviour from elected members or staff, which is a source of discrimination, harassment or bullying towards another elected member, or member of staff.

- **Discrimination** is defined as a failure to afford equal opportunities in the workplace on the grounds of disability, gender, race, religion, age, sexual orientation or marital status.
- **Harassment** is defined as conduct which is unwanted and offensive and affects the dignity of an individual or group of individuals.
- **Bullying** is defined as behaviour which either consistently, or in a single instance, comprises actions, criticism or personal abuse which humiliates, frightens, undermines or demeans the individual or group of individuals.

- 3.2. Some examples of unacceptable behaviour are given below, but it should be noted that this list is neither exclusive nor comprehensive.

- Using aggressive or threatening language, ridiculing or ignoring an individual or group of individuals.

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- Making unacceptable demands on an individual's time and resources
- Making inappropriate comments about an individual's appearance, disability, private life, race, gender or sexuality.
- The use of pin-ups, posters or electronic display, e.g. pornographic pictures, cartoons, etc., which cause offence to any group, race, gender or creed.
- Encouraging or coercing others to discriminate, bully or harass an individual or group of individuals.
- Inappropriate physical contact and making unwanted sexual advances
- Excluding an individual or group of individuals from workplace activities or discussion because of age, disability, gender, race or sexual orientation

4. Strategies for managing unacceptable behaviour

4.1. Payhembury Parish Council expects that elected members and staff will comply with the Acceptable Behaviour Protocol at all times. A breach of the Acceptable Behaviour Protocols could present a risk to the Council, therefore the following strategies are in place to manage and resolve any breach of the Protocol:-

4.2. Step 1 - Informal Resolution

4.2.1. Any person who has experienced unacceptable behaviour, or has been accused of unacceptable behaviour, should first attempt to resolve the matter through informal discussion. Where appropriate the Chairman will attempt to resolve the matter through mediation and discussion with all parties, and by identifying any changes in behaviour necessary to overcome the problem together with a timescale for review.

4.3. Step 2 - Formal Procedures

4.3.1. If the Informal Resolution strategy is not successful, an employee has recourse to the formal Grievance and Disciplinary Procedures of the Parish Council. Elected members are bound by the requirements of the Council's Code of Conduct to behave in an appropriate and acceptable manner at all times. If the Informal Resolution strategy is not successful, the Chairman, in consultation with the Parish Council, will decide whether the formal procedures for resolution should include the involvement of the District Council's Monitoring Officer and Standards Committee.

5. Review Process

5.1. Payhembury Parish Council will review its Acceptable Behaviour Protocol on, at least, an annual basis. Changes in legislation and good practices may necessitate an earlier review, when appropriate. At all times the Parish Council will promote acceptable behaviour both within the organisation and in the Parish Council's relationship with the community.