

Payhembury Parish Council

Complaints Policy and Procedure

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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. The Parish Council does not consider formal complaints against Councillors. These are dealt with in accordance with the Parish Council's adopted Code of Conduct by East Devon District Council's Monitoring Officer.
- 1.4. All other complaints should be addressed to the Parish Clerk and will be dealt with promptly and positively to maintain public confidence. A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.
- 1.5. 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.
- 1.6. The Parish Clerk shall maintain records of all complaints received, both formal and informal, together with any actions undertaken and the outcomes.

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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, or decisions 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.
- 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.

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7. The Formal Complaints Procedure – Informing the Council of a Complaint

- 7.1. 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, the complaint may be put to the Chairman of the Council or their nominated deputy.
- 7.2. Where the Clerk receives a written complaint about their own actions, they shall immediately refer the complaint to the Chairman of the Council.
- 7.3. Complaints about the activity or decisions of the Parish Council should be made to the Parish Clerk in writing, providing any additional information that will enable the complaint to be investigated.
- 7.4. The Parish Council will only consider complaints about its formal decisions where the complainant puts forward missing information or evidence to suggest that the Parish Council has erred in its decision making.
- 7.5. The complaint shall be acknowledged in writing within 7 working days and, if appropriate, Parish Councillors informed that a formal complaint has been received.
- 7.6. 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 them an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.
- 7.7. 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.
- 7.8. 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.
- 7.9. If the complainant does not respond within 28 working days, the complaint may be considered closed.
- 7.10. If the nature of the complaint is complex or urgent, then a specially convened meeting may be necessary.
- 7.11. 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.

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- 7.12. 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.

8. The Formal Complaints Procedure – At the Meeting

- 8.1. 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.
- 8.2. The following procedure will be followed:
- a) The Chairman will introduce everyone
 - b) The Chairman will explain the procedure
 - c) The complainant will be asked to outline the grounds of their complaint
 - d) If relevant, the Clerk will explain Payhembury Parish Council's position
 - e) Councillors will then have the opportunity to ask questions
 - f) The complainant will then be offered the opportunity to provide a closing statement
- 8.3. 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.
- 8.4. If the complaint is against the activity or decisions of the council, the Parish Council shall consider the additional information provided in the complaint to assess its relevance and impact on the activity or decision being challenged. An explanation of the background to the original activity or decision may be appropriate when assessing the additional information provided in the complaint.

9. The Formal Complaints Procedure – Following the Meeting

- 9.1. 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.
- 9.2. The complainant will have 7 working days following the written confirmation to appeal the decision.

10. The Appeals Process

- 10.1. The complainant must inform Payhembury Parish Council, in writing, if they wish to appeal against the decision.

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- 10.2. 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.
- 10.3. 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.
- 10.4. The appeal process will follow the same procedure as that outlined in section 8, providing the complainant with the opportunity to explain their grounds for appeal.
- 10.5. 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.
- 10.6. 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.
- 10.7. The Local Government Ombudsman can be contacted on 0300 061 0614 and further information can be obtained from lgo.org.uk.

11. Unreasonable and Vexatious Complaints

- 11.1. A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Parish Council rather than genuinely to resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.
- 11.2. If such complaints affect the Parish Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.
- 11.3. If a complainant is to be classified as vexatious, they shall be informed so and given a timescale of how long this will remain the case.
- 11.4. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.
- 11.5. The Parish Council may also seek legal advice in the event of serial facetious, vexatious or malicious complaints from a member of the public.

12. Anonymous Complaints

- 12.1. Anonymous complaints should be referred to the Clerk of the Council and may be acted on at their discretion, according to the type and seriousness of the allegation.