

# **WETHERSFIELD PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

**Revised: December 2018**

## **1 Introduction**

- 1.1 This procedure covers routine complaints and those that could be described as 'habitual and vexatious'.
- 1.2 Habitual or vexatious complaints are defined as '*unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.*'
- 1.3 Some types of complaint are handled outside this procedure e.g. Allegations of financial irregularity -local electors may object to the Council's Annual Accounts under Section 16, Audit Commission Act 1998. On other matters, the Council may need to consult its internal auditor or the Audit Commission; Complaints regarding criminal activity should be referred to the Police;
- 1.4 Members of Parish Councils sign a declaration to abide by a Code of Conduct (details on the Wethersfield Community website). A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to the Braintree District Council Monitoring Officer, Causeway House, Bocking End, Braintree CM7 9HB.

## **2 Complaints Procedures**

- 2.1 Complaints can be made in any of the following ways:
  - In writing, by e-mail or telephone to the Clerk to the Parish Council (see Wethersfield Community website for details).
  - In writing to the Chairman of the Parish Council (see website for details)
  - If the complaint is about the Clerk, by telephone or in writing to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment.
- 2.2 On receipt of your complaint, if appropriate, the Clerk to the Council will seek to settle the complaint directly with you by explaining the Parish Council's position. Mistakes and misunderstandings are often resolved informally at this stage.
- 2.3 If it is not possible to resolve the complaint at this stage, the Council will deal with the complaint in full council or nominate councillors who are authorised to deal with the complaint but are not involved in the specific case.
- 2.4 If the complaint is handled by the full council, two nominated councillors will not take part in the proceedings. They will be appointed to handle any appeal, if required.
- 2.5 The Clerk or a nominated councillor will represent the council through the proceedings.
- 2.6 Anonymous complaints will not be considered and will be disregarded.

## **3 The Procedure**

- 3.1 If the complaint is to be heard at a full council meeting, before the meeting:

- The complainant will be asked to write to the Clerk or to the Chairman of the council with details of their complaint. Assistance will be given to the complainant as appropriate to bring the issue to the attention of Council.
- 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 be given to the complainant.
- The complainant will be invited to attend a meeting with a representative if they wish.
- 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 considered.

### 3.2 At the Council Meeting or Committee Meeting

- The Chairman of the meeting will introduce everyone and explain the procedure. The Council shall consider whether the nature of the complaint warrants the exclusion of the public and the press from the meeting. Any decisions on a complaint shall be announced at the Council meeting in public.
- The complainant (or representative) will be required to outline the grounds for complaint before any questions from the Clerk and Members if present.
- The Clerk or a designated councillor will explain the council's position before any questions from the complainant, and from other members if present.
- The complainant will be given the opportunity to make a closing statement before leaving the room while members decide whether the grounds for the complaint have been made.
- The complainant will be invited back to hear the council decision.
- If the decision is unlikely to be finalised on that day a date for determination of the complaint will be set.

### 3.3 After the Meeting

- The decision of the Council will be confirmed in writing within seven working days together with details of any further action to be taken.
- The result of the proceedings will be reported at the next council meeting after the appeal period has passed. Agreed confidential issues will be respected as appropriate.

### 3.4 Appeals

- Should the complainant not agree with the decision of the Council they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal will, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council the appellant should be notified accordingly and advised that the appeal has not been successful. If the complaint is considered not to have been handled correctly in accordance with procedures it will be referred for consideration as at 3.2.
- The appellant will be notified of the result of the appeals process within fourteen days.

- The decision of the Parish Council is final as the Local Government Ombudsman does not usually consider complaints in respect of Parish Councils and does not investigate complaints against parish councillors.

#### **4 Habitual and Vexatious Complaints**

- 4.1 Wethersfield Parish Council will endeavour to deal with complaints in an efficient, equitable and effective manner and manage each case properly, consistently, fairly and respectfully
- 4.2 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, or
  - Be offensive, abusive or threatening.

#### **5 Procedure**

- 5.1 Unreasonable persistent and/or vexatious complaints 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.
- 5.2 The Chairman or Vice Chairman will contact the complainant to seek to resolve the situation.
- 5.3 In the case of a meeting, if it considered that there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant is entitled to bring a representative. The council will give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.
- 5.4 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 complaint's 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
- 5.5 The outcome and relevant details of the meeting will be recorded.

## **6**      **Decision**

- 6.1    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.
- 6.2    The complainant will be advised in writing by the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
- 6.3    The council will record the decision and retain all relevant correspondence except personal details about the complaint and the complainant, which will be stored appropriately in line with the General Data Protection Regulations.
- 6.4    The Clerk will notify all councillors as appropriate.
- 6.5    Any new complaint from any person who has come under the policy will be treated on its merits.

## **7**      **Review**

- 7.1    The decision taken at Section 6 will reviewed after 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.