

Guston Parish Council

Complaints Procedure

Adopted on:- 7th July 2016

Reviewed/revised on:- 5th July 2018

Guston Parish Council – Complaints Procedure

On a receipt of a complaint from a member of the public, the Clerk, in consultation with the Chairman, will agree the category of complaint. If it falls into one of the four categories shown below the relevant action as shown in the table below should be taken:

Type of complaint	Action
Financial irregularity	The Clerk/RFO must provide an explanation of the item in writing if possible The Clerk/RFO may need to consult with the Auditor/Audit Commission prior to providing a written explanation. If the complainant is not satisfied, the Clerk should advise the complainant of the Local elector's statutory right to object to the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.
Criminal activity	Refer the complainant to the Police.
Member conduct	If the complaint relates to a member's failure to comply with the Code of Conduct, the complaint must be submitted to the local District Monitoring Officer .
Employee conduct	Internal disciplinary procedure.

For any other complaint, a meeting of the Council to discuss the complaint should be called

1. The complainant should be asked to put the complaint in writing to the clerk.
2. If the complainant does not wish to put the complaint to the clerk, he or she should be advised to address it to the Chairman of the council.
3. The clerk or Chairman shall acknowledge receipt of the complaint (within five days) and advise the complainant when the matter will be considered by the council. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way.
4. The complainant shall be invited to attend the meeting and informed that they can bring with them a representative if they so wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The council shall consider whether the circumstances of the meeting warrant the

- exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. The Chairman should introduce everyone and explain the procedure.
 8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk and then (ii), members.
 9. The clerk will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
 10. The clerk and then the complainant should be offered the opportunity to summarise their position.
 11. The clerk and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
 12. The clerk and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Repeated and Vexatious Complaints

This procedure should **be initiated as a last resort, when all else has failed.**

1. Definition of a repeated or vexatious complaint
 - 1.1 A **repeated complaint** is one where a complainant submits an identical or substantially similar complaint after their initial complaint has been fully and properly handled under the council's Complaints Procedure shown above.
 - 1.2 A **vexatious complaint** is one where the contents of the complaint or conduct of the complainant is manifestly unreasonable or is intended to or has the effect of causing distress, harassment or disproportionate inconvenience or expense.
 - 1.3 Examples of when a complaint may be deemed to be vexatious:

Where a complainant:

- Has threatened to use or used physical violence towards those dealing with the complaint.
- Persistently changes the substance of a complaint or continually raises new issues to seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed.

Note: Care must be taken however, not to disregard new issues, which are significantly different from the original complaint, as they need to be addressed as separate complaints.
- Is repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly does not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the council to help them specify their concerns, and/or where the concerns identified are not within the remit of the council to investigate.

- Regularly focuses on a trivial matter to an extent, which is out of proportion to its significance and continues to focus on this point.

Note: It is recognised that determining what constitutes a trivial matter can be subjective and careful judgement shall be used in these cases.

- Has in the course of addressing a registered complaint, had an excessive number of contacts with the council, which place unreasonable demands on those dealing with the complaint.

Note: For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts having regard to the circumstances of each individual case.

- Is known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Makes unreasonable demands on the council and/or clerk and fails to accept that these may be unreasonable, for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable.

1.4 A councillor or the clerk may propose to the council that a complaint be deemed to be vexatious and/or repeated. Between meetings, the Chair, through informal consultation with the other councillors, may deem a complaint to be vexatious and/or repeated. The council (or Chair) shall ensure that the Complaints Procedure has been correctly implemented so far as is possible and that no material element has been overlooked or inadequately addressed.

1.5 When the council (or Chair) is satisfied on paragraph 1.4, it (or he/she) shall then determine what action is to be taken.

2. Response to repeated or vexatious complaints

2.1 The council shall decide an appropriate course of action and may choose one of the following options:

(a) Attempt to resolve matters by drawing up a signed “Agreement of Code of Behaviour” for the parties involved, which must be adhered to if the complaint is to be processed.

(b) Decline contact with the complainant either in person, by telephone, by fax, by e-mail or by letter or any combination of these. At least one form of contact must be maintained. The council may nominate a single person for all future contact.

(c) Notify the complainant that all points have been addressed, and that the council has tried to resolve the issues of concern. However, there is nothing more that can be done, and that continuing contact in the matter will serve no useful purpose. At this point, correspondence will be at an end and that any further letters will be acknowledged but not answered.

2.2 When the course of action has been decided upon, the council shall notify the complainant in writing to confirm that their complaint has been classified as vexatious and/or repeated, the reasons why and what action will be taken as a result. A copy of this letter is to be maintained for reference purposes.