

# IKEN PARISH COUNCIL

## Complaints Procedure

### 1. Introduction

1.1. We hope that most complaints can be dealt with less formally by the Clerk to the Council or the prevailing Chairman. However, the Parish Council has adopted the following procedure to allow your complaint about the Parish Council's procedures or administration to be dealt with appropriately.

1.2. This procedure covers routine complaints and those that could be described as habitual and vexatious. The majority of complaints fall under the first category and only occasionally move to the second option. 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: Financial irregularity is handled by the Council's own auditor/Audit Commission; criminality by the police; Member conduct by the standards committee of the relevant principal authority; Employee conduct by internal disciplinary procedure.

1.4. In addition, this procedure does not cover complaints against town or parish councillors, who may have breached the code of Conduct. These are dealt with by the council's Monitoring Officer. If you believe that a Town or Parish Councillor in the District's areas has breached any general obligations under the Code of Conduct (the Code) adopted by the District, Town or Parish Council you should submit your complaint to:

[https://my.eastsuffolk.gov.uk/service/councillor\\_conduct\\_complaint](https://my.eastsuffolk.gov.uk/service/councillor_conduct_complaint)

1.5. If you have a complaint against an employee of the Parish Council, you should write to the Chair of the council.

1.6. For any other complaint you should write to the Clerk to the Council.

1.7. The Parish Council will not deal with anonymous complaints.

1.8. Complaints made to the Clerk are complaints made to the Council. The Clerk will not accept complaints made on the basis that the information is not passed to the Council but will exercise appropriate discretion, for example, should the matter relate to sensitive issues, potentially create legal liabilities or relate to criminal investigations. The right to report relevant matters to enforcing authorities is reserved.

1.9. The council will handle complaints in full council. Two nominated councillors will not take part in proceedings. They will then be available to handle any appeal, if required. The Clerk will represent the council through the proceedings, but a nominated councillor may act instead.

### 2. The Procedure

#### 2.1. Before the Meeting

2.1.1. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the Clerk to the council.

2.1.2. If the complainant does not wish to put the complaint to the Clerk, they are advised to put it to the Chair of the council.

2.1.3. The Clerk or Chair of the Council will acknowledge the receipt of the complaint and advise the complainant that the matter will be referred to the Council within 7 days of receiving the complaint, confirming to the complainant that the complaint will be treated with appropriate confidentiality i.e. whether the complaint will be heard by the full council or whether it will be treated confidentially.

2.1.4. If the Council feels that the matter does not warrant consideration, the Clerk to the Council shall explain in writing why the matter will not be considered by the Council. This may include how the matter has been resolved or why the matter is not appropriate or does not warrant further referral, including where the matter is vexatious or repetitious.

2.1.5. An appeal for the non-referral of a complaint must be made within 5 days and will be referred back to the Council unless they have previously considered this, related matters or the complainant (or an associated person) vexatious or repetitious.

2.1.6. The complainant will be invited to attend the relevant meeting to make verbal representations where it is considered appropriate and productive for determining the finding of the meeting and may be accompanied.

2.1.7. Seven clear working days prior to the meeting, the complainant will provide the Clerk with copies of any documentation or other evidence, which they wish to refer to at the meeting, for referral to the Council. The Clerk on behalf of the Council will similarly provide the complainant with copies of documentation upon which it wishes to rely at the meeting.

## 2.2. At the Meeting

2.2.1. The Chairman of the Council will introduce everyone and will explain the procedure.

2.2.2. The Complainant will outline the grounds for complaint.

2.2.3. The Council members will then ask any question of the complainant.

2.2.4. If relevant or necessary the Clerk will explain the council's position.

2.2.5. The Council members will ask any question of the Clerk.

2.2.6. The complainant and the Clerk will be offered the opportunity to sum up their respective positions.

2.2.7. The complainant and the Clerk will be asked to leave the room while the subcommittee members decide whether or not the grounds for the complaint have been made, and where appropriate provide recommendations.

2.2.8. Note: If a point of clarification is necessary then both parties will be invited back.

2.2.9. The complainant and the Clerk will return to hear the decision or will be advised as to when the decision will be made.

## 2.3. After the Meeting

2.3.1. The decision will be confirmed in writing, by the Council's Clerk, within seven working days together with details of any action to be taken.

2.3.2. The result of the proceedings will be reported at the next parish council meeting after the appeal period has passed, ensuring that agreed confidentiality issues are appropriately respected.

## 2.4. Appeals

2.4.1. If the complainant wishes to appeal against the procedure by which the decision was reached, they should appeal in writing, stating the full grounds of appeal, to the Clerk the

Council within fourteen days of the date on which they were informed in writing of the outcome of the complaint.

2.4.2. The councillors nominated to handle the appeal should, within 21 days of receiving the appeal, examine the way in which the council dealt with the complaint. The appeal hearing will be limited to a review of the procedures that were followed and not a review of the original decision given.

2.4.3. Where possible the appeal hearing will be conducted by Councillors who were not previously involved in the case.

2.4.4. If procedures were handled correctly by the council the appellant will be notified that the appeal was not successful. If the finding was that the complaint was not handled correctly, the complaint will be referred back for consideration at 2.2. of this procedure. The appellant will be notified of the result of the appeals process, in writing by the Clerk, within fourteen days of the decision.

### 3. Habitual and Vexatious Complaints

#### 3.1. Introduction and Aims

3.1.1. The Council will endeavour to deal with complaints in an efficient, equitable and effective manner.

3.1.2. 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 offensive, abusive or threatening.

3.1.3. The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

3.1.4. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

3.1.5. The Council will try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.

3.1.6. The Council aims to ensure that any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

#### 3.2. Procedure

3.2.1. The possibility of there being an unreasonably persistent and/or vexatious complaint should 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.

3.2.2. The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.

3.2.3. 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 should give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.

3.2.4. The Chairman/Vice Chairman must:

- 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

3.2.5. The outcome and relevant details of the meeting should be noted.

### 3.3. Decision

3.3.1. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should 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.

3.3.2. The complainant must 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.

3.3.3. The council must 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.

3.3.4. The Clerk must notify all councillors and members of staff as appropriate.

3.3.5. Any new complaint from any person who has come under the policy must be treated on its merit.

### 3.4. Review

- 3.4.1. The decision taken at Section 8 should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.