

Brixworth Parish Council

Complaints Policy



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1. Aim

The aim of this code is to ensure that a reasonable, accessible and transparent process of dealing with complaints is adopted.

2. Introduction

A Complaint is an expression of dissatisfaction about:

- Our standard of service
- Our failure to do something that we had agreed to do
- The way a person has been treated

A complaint is not a disagreement of a Council policy or a Council decision.

A complaints procedure ensures that there is a clear and systematic process by which customers can seek redress. The Parish Council wants to offer a fair and consistent process to find a remedy for any failures.

This procedure covers routine complaints and those that could be described as habitual and vexatious.

Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

Complaints regarding settled or ongoing legal cases will not be dealt with if there has been an existing right of appeal. For those complainants who are, or who have pursued legal action against the Council, the outcome of this action will override any formal action that can be determined via this Council's Complaints Procedure.

Some types of complaint will be handled outside of this procedure:

- Financial irregularity will be handled by the Council's own Auditor
- Freedom of Information by the Information Commissioner
- Alleged criminal activity by the Police
- Member conduct by the Monitoring Officer of West Northamptonshire Council
- Employee conduct by the Council's own internal disciplinary procedure

3. Complaints Procedure

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

The aim of the Parish Council is for its Clerk to consider and resolve the majority of complaints at the first point of contact. (stage 1) It should be possible for the Clerk to resolve problems straight away without the need to submit a formal complaint.

Any formal complaints (stage 2) that are submitted will be handled by the Full Council. The Council will initially receive and validate the complaint and then nominate three councillors who will not take part in the proceedings so that they will be available to handle any subsequent appeal (stage 3), if required.

The Clerk will normally represent the Council throughout the proceedings but a nominated Parish Councillor may act instead. The Parish Council may also be supported at any Complaints meeting by external advisors if required.

All complaints received must be related to a dissatisfaction of service experienced by the Complainant within the last 6 months.

The Parish Council would actively look to resolve all complaints within a 12-month timescale.

The Procedure

Before the Meeting

- The complainant will complain in writing to the Parish Clerk or to the Chairman of the Council. Reasonable assistance will be given to the complainant if necessary.
- The complainant will be advised when the matter will be considered and whether it will be treated confidentially.
- 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 ten clear working days prior to the meeting, the complainant and the Clerk to the Council will exchange copies of any documentation or other evidence to be relied on.

At the Council Meeting

- The Chairman of the meeting will introduce everyone and explain the procedure.
- The complainant (or representative) will outline the grounds for complaint before any questions from the Clerk and then from the Parish Councillors.
- The Clerk will explain the council's position before any questions from the complainant, and from Parish Councillors.
- The complainant and the Clerk will then summarise their position; they then leave the room while Councillors decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day then an estimated date will be given.

After the Meeting

- The decision will be confirmed in writing normally within ten working days together with details of any action to be taken.
- The result of the proceedings will be reported at the next council meeting after any appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

Appeals

- Should the complainant not agree with the decision he/she will be entitled to appeal the decision within ten working days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal will, within fifteen working days of receiving the appeal, examine the way in which the Council dealt with the complaint.
- If procedures were correctly handled by the Council then the appellant will be notified that the appeal has not been successful. If the complaint was not handled correctly it will be referred back to the Council for further consideration.
- The appellant will be notified of the result of the appeals process within ten working days.

4. Habitual and Vexatious Complaints

The Parish Council may have to initiate action if the complainant behaves in a way that can be considered unreasonable. This may include impeding the investigation of the complaint; hindering the level of service for others or being offensive, abusive or threatening.

Examples of unreasonable actions and behaviours include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to council staff, or detailed letters & emails every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

Guidelines

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

The Parish Council will try to keep open the lines of communication with appropriate support .

The Procedure

The possibility of unreasonable persistent and/or vexatious complaint will be brought to the attention of the Chairman or Vice Chairman by the Clerk.

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

Should a meeting be required and there is a personality issue, the Parish Council may nominate another Councillor who will be made aware of all the facts. The complainant may wish to bring along a representative. The Parish Council will give appropriate support to the complainant in choosing a representative.

The Chairman/Vice Chairman will:

- Listen to the grievance/complaint
- Assure the complainant of confidentiality with personal details
- Carefully explain what action the Parish 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 Parish Council's remit
- Explain how the complainant's actions are of concern but are hampering the complaints procedure
- Explain what actions the Parish Council may take
- Seek an assurance that the persistent/unreasonable nature of complaint will be addressed

The outcome and relevant details of the meeting will be noted.

Decision

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 agree what action to take.

Options for action

Any actions taken should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options include:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- Where a decision on the complaint has been made, you can tell the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence.

Operating the policy

If a decision is taken to apply restricted access the Clerk will write to the complainant with a copy of the policy to explain:

- why the decision has been taken
- what it means for his or her contacts with the Parish Council
- how long any limits will last, and
- what the complainant can do to have the decision reviewed.

The complainant will be advised by letter from the Clerk of any action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.

The Council will 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.

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

Review

Any decision taken above, such as restricting or refusing any further contact, will be reviewed after 12 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.



Brixworth Parish Council

Complaints Form (Stage 2)

1. Your details

Please provide us with your name and contact details. (The Parish Council does not normally investigate anonymous complaints unless there is a clear public interest in doing so).

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Mobile telephone:	
Email address:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

2. Making your complaint

It is important that you provide all the information you wish to have taken into account in the consideration of your complaint. For example:

- You should be specific, wherever possible, about exactly what you are complaining about.
- You should provide the dates of the incident/ decisions that have provoked your complaint. If you cannot provide exact dates, it is important to give a general timeframe.
- You should provide any relevant background information or any other relevant documentary evidence to support your allegation(s).

3. Your Complaint - Please tick the category of your complaint

This complaint relates to:

The Parish Council standard of service	
The failure of the Parish Council to do something that it had agreed to do	
The way the Parish Council has treated me	

Please provide full details of your complaint.

(Continue on a separate sheet if there is not enough space)

4. Additional Help

Complaints must be submitted in writing; this includes electronic submissions. Frivolous, vexatious complaints are likely to be rejected.

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please contact the Parish Clerk on 01604 347993.

5. Resolution of Complaint

What do you see as an appropriate outcome to your complaint? Please give your suggestions.

6. Signature

I confirm that this is a true and accurate statement

Signature	
Name (Block Capitals)	
Date	

You will be kept informed of the progress of your complaint.