

Twyford Parish Council

COMPLAINT PROCEDURE – Relating to the Parish Council or its Staff

Approved on 27th April 2023

DEFINITION OF A COMPLAINT

A complaint is an expression of dissatisfaction, however made, about the standards of service received, actions or lack of action by the Parish Council or its staff (including its contractors) which affects an individual or a group of people.

This Complaints Procedure will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something that it should not do.

This procedure will not deal with complaints for which there is a legal remedy or where legal proceedings already exist; for complaints about employment matters; or complaints about third parties that do not relate to action or lack of action by the Parish Council itself. It will also not deal with complaints about the behaviour of elected or co-opted members (councillors) of the Parish Council which are dealt with by the Monitoring Officer of Winchester City Council.

Anonymous complaints or those using pseudonyms will not be investigated unless there is a strong and clear public interest in doing so.

The Parish Council will endeavour to adhere to the timings outlined in this procedure, but in the case of a complex complaint or the absence of a member of staff involved in the complaint, timings may have to vary. Should this occur then the complainant will be kept informed and advised of any revised timescales.

PROCESS FOR MAKING AND HANDLING COMPLAINTS

1. Complaints should always be directed through the Clerk, Assistant Clerk or Chairman.

Complaints made to individual councillors will be acknowledged and recorded by the councillor and passed to the Clerk, Assistant Clerk or the Chairman for handling in accordance with this procedure.

If a complaint is made orally to a Councillor or Council staff and it is not possible to satisfy the complainant immediately, the complainant will be asked to put the complaint in writing to the Clerk and will be assured that it will be dealt with promptly after receipt.

If the complainant prefers not to put the complaint to the Clerk, they will be advised to put it to the Chairman of the Council.

2. On receipt of a written complaint, the Clerk or Chairman, as the case may be, may (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant, but will not do so in respect of a complaint about the behaviour/actions of Council staff, without first notifying the person who is the subject of the complaint, and giving an opportunity to comment on the manner in which it is intended to settle the complaint. Where the Clerk or the Chairman receives a written complaint about his/her own actions, they shall immediately refer the complaint to the Council.
3. The Clerk/Chairman will report to the next meeting of Council any written complaints which have been resolved by direct action with the complainant.
4. The Clerk/Chairman shall (subject to point 5 below) bring any written complaint which has not been settled to the next meeting of Council and the Clerk shall notify the complainant of the date

on which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint orally.

5. The Council will consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint (whether it is upheld or dismissed and the nature of any remedial action) shall be announced at the Council meeting in public.
6. As soon as possible after a decision on a complaint has been made, the nature of any action to be taken will be communicated in writing to the complainant.
7. The Council will defer dealing with any written complaint only if it believes issues of law or practice arise on which it is necessary to seek advice. In such circumstances, the complaint will be dealt with at the next meeting of the Council after the advice has been received.
8. If the above procedure fails to satisfy the complainant
 - a.
 - b. Where the complaint concerns alleged maladministration by the Council (or its staff or agents), the complainant may wish to refer the matter to the independent external auditor whose address will be provided.

COMPLAINTS AGAINST THE COUNCIL (NOT FOR COMPLAINTS ABOUT INDIVIDUALS)

Before the Meeting to Determine the Outcome of the Complaint

1. The Clerk or other nominated officer shall acknowledge receipt of each written complaint and advise the complainant when the matter will be considered by the Council or by a Council committee established for the purposes of hearing complaints. The complainant shall also be advised whether details of the complaint will be treated as confidential.
2. The complainant shall be invited to attend a meeting of the Council or Council Committee established to handle the complaint and to bring with them a representative if they wish.
3. 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 it wishes 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

4. The Council shall consider whether the circumstances of the meeting warrant exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
5. The Chairman will introduce everyone and explain the procedure.
6. The complainant (or representative) will be asked to outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii), Councillors.
7. The Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), Councillors.
8. The Clerk or other nominated officer and then the complainant will be offered the opportunity to summarise their position.

9. The Clerk or other nominated officer and the complainant will be asked to leave the room while Councillors decide whether the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
10. The Clerk or other nominated officer and the complainant will 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, or shall be given a date by which the Council will provide a status update.

After the Meeting

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

COMPLAINTS AGAINST COUNCILLORS

The Council has approved a Code of Conduct for Councillors (copy on our website) which is based on Councillors following the seven principles of public service:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

If you feel that a Councillor has not complied with the Council's Code of Conduct, you should send your complaint to:

The Monitoring Officer
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ
01962 840 222

The Local Authority and Social Care Ombudsman may be able to look at how the Monitoring Officer considered a complaint about a parish councillor, but will not investigate the issues that prompted the complaint.

The Local Government Act 1974 (S34(1)) defines the authorities that the Ombudsman may investigate. Parish and town councils are not included in this definition. However, it may be able to consider a complaint about a parish or town council if it is acting on behalf of another council.

PERSISTENT OR VEXATIOUS COMPLAINANTS

Persistent or vexatious complainants are those who, because of the frequency or nature of their contacts with the Council, hinder our ability to consider their or other people's complaints. It is important to distinguish between persistent and vexatious complainants. People may be 'persistent' complainants because they consider that the Council has not dealt with their complaints properly or fairly. Vexatious complainants may pursue their complaints in inappropriate ways or be

intent on continuing to submit complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council often place heavy demands on staff time and emotions.

Such complainants are in a very small minority but need handling sensitively.

Once the Clerk receives a complaint that is considered to be either persistent or vexatious, the details shall be passed to the next available meeting of the Council for consideration and action. The Council will decide whether the complainant is persistent or vexatious and advise the complainants in writing of the reasons why they have been classified as such and any action to be taken which may include any or a combination of the following:

- Decline further contact with the complainant in person, by telephone, fax, letter or electronically – or any combination of these – provided that one form of contact is maintained. Alternatively, further contact could be restricted to liaison through a third party.
- Notify the complainant in writing that the Council has fully responded to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Complainants should be notified that correspondence is at an end and that further communications will be acknowledged but not answered.
- Inform complainants that if appropriate, the Council reserves the right to refer the behaviour of unreasonable or persistent or vexatious complainants to the Police.
- In exceptional circumstances, consideration can be given to the possibility of obtaining a High Court Injunction to prevent the complainant harassing, threatening or distressing named or individual council employees.

REVIEW

This Procedure was last reviewed in April 2023 and is next due for review in March 2025 (or sooner if required).