

Bradwell Parish Council



Complaints Policy and Procedure

1. The Aim

The aim of the Council is to manage each case properly, consistently, fairly and respectfully and to ensure that the complaint, not the complainant, is the issue during any procedure and decision making. It is important to follow further guidelines for identifying habitual or vexatious complainants and that any decision made follow agreed guidelines and procedures agreed by the full Council.

This procedure defines how Bradwell Parish Council will handle a complaint made against the Council, an individual Councillor or a Council staff member. It outlines the process the Council will follow in dealing with any complaints such as

- giving incorrect advice or information
- involvement in decision-making
- conduct, such as behaviour in a council meeting, and
- a breach of the Code of Conduct, such as a failure to disclose a non-pecuniary interest.

The process is also applied to complaints that could be described as habitual and vexatious. Habitual and vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued. The Council may have to initiate further action if the complainant behaves in ways which can impede the informal investigation of the complaint, require significant resource implications of public money being used to deal with the complaint, hinder the complaints procedure for others, be offensive, abusive or threatening at any point of the process.

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

Some types of complaint are handled outside this policy's procedures as detailed.

- Financial irregularities are handled by the Council's own auditor.
- Criminal activity by the Police, Members of the staffing and standards committee of the relevant principal authority; or
- Employee conduct by internal disciplinary procedure.

2. The Informal Response to a complaint

All complaints should be made to the Clerk, where the Chairman or Vice Chairman will upon receipt of the complaint contact the complainant informally in an effort to resolve the situation. If the complainant is unhappy with the in-formal response, then they can make a formal complaint by following the necessary procedure.

3. The Procedure

3.1 Stage One:

1. The complainant should formally complain in writing to the Clerk of the Council explaining in detail the complaint and why they are complaining such as how the subject of the complaint has affected them.
2. In the case of a Staffing and Standards meeting; if there is a conflict of interest, the Committee may nominate another Councillor who will be made aware of all the facts.
3. A complainant may wish to bring a representative to the meeting to support in the case of any special needs.
4. The complainant should be advised in writing when the matter will be considered and how it will be handled; or if it needs to be referred directly to the Monitoring Officer.
5. When the complaint is being handled by the Staffing and Standards Committee, the complaint is initially investigated within a closed meeting with the members of the Committee and the recipient of the complaint.

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6. At this meeting the complaint is discussed using the communication directed to them by the complainant and should the complaint involve an individual staff member or Councillor, they will be given the opportunity to explain their response to the complaint.
7. Not later than three clear working days prior to the meeting, the Complainant and the Council will exchange copies of any documentation or other evidence to be relied on.
8. The Chairman of the Committee should introduce everyone and explain the procedure.
9. The complainant or their representative should briefly outline the grounds for complaint, and the effect the ramifications the issue has presented for the complainant before any questions from the Clerk and then from those Council members who are present.
10. No questions will be presented to the Committee meeting from an absent Councillor.
11. The Clerk should explain the Committee's position before any questions from the complainant and from members if they consider it appropriate before the matter is taken forward.
12. In all circumstances, the complainant will be asked to leave the room while the Council members decide whether the grounds for the complaint have been made.
13. Comments and points raised during that discussion should be fully documented in order to make a full and impartial decision unless a straightforward vote is made without discussion.
14. If the decision is unlikely to be finalised on that day an estimated date will be given to the complainant.
15. The aim is to complete all complaints within the timescales. However, if a complaint is very complex and takes the Council away from the business of the Council, it may occasionally be necessary to extend the time limit. If this is the case, the complainant will be informed of the progress with the investigation, the reasons for the delay, and the new deadline.

3.2 Stage Two:

1. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
2. The result of the proceedings should be reported at the next Council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.
3. If the complaint is made about a Councillor's conduct and the complainant is dissatisfied with the Council's response and the process followed, the complaint can be taken to the Monitoring Officer whereupon the Council will be required to provide all evidence involved in the process.

4. Appeals for Staff Members Only

1. Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
2. The Councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint.
3. If procedures were correctly handled by the Council, then the complainant should be notified that the appeal has not been successful. If the complaint was not handled correctly, it must be referred by consideration as at 3.2
4. The complainant should be notified of the result of the appeals process within fourteen days.

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5. Further Information

1. If the complainant behaves in an unreasonable or vexatious way, the Chairman or Vice Chairman should seek the approval of the Council to restrict or refuse further contact.
2. Bradwell Parish Council will log all complaints the Council receives so that we can monitor all types of problems, the best way to sort them out and how long we are taking to deal with them. This also helps us to take a closer look at how we can improve our own service delivery.
3. We will handle all information in line with data protection legislation.