BRADWELL PARISH COUNCIL

Procedure for Handling Complaints

1. Introduction

1.1. This procedure covers the handling of routine complaints and also those which could be described as habitual or vexatious, which are covered by paragraph 4 and onwards in this document.
1.2. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes which are repeatedly or obsessively pursued.
1.3. Some types of complaint are handled outside this procedure:

1.3.1. Financial irregularities are handled by the Council's own auditor or the Audit Commission
1.3.2. Criminal activity by the Police
1.3.3. Member conduct by the standards committee of the relevant principal authority; Employee conduct by internal disciplinary procedures.

A volunteer will be treated as a council employee.

2. Complaints Procedures

2.1. The Clerk, Chair and/or Vice-Chair will initially review the nature of the complaint to ensure it has been raised with the correct body. If the complaint should be handled by another body the Clerk will advise the complainant regarding where they should direct their complaint.
2.2. Council will either handle complaints in full council or will nominate councillors who are authorised to deal with complaints but are not involved with the particular case.
2.3. If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.
2.4. The Clerk should normally represent council throughout the proceedings but a nominated councillor may act instead.

3. The Procedure

3.1. Before the Meeting:

3.1.1. The complainant must describe the complaint, in writing, either to the Clerk or to the Chair of council. Assistance with this procedure should be given to the complainant if necessary.
3.1.2. The complainant must be told when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this complaints procedure must also be given to the complainant.
3.1.3. The complainant should be invited to attend a meeting, accompanied by a representative if they so wish.
3.1.4. Not later than seven clear working days prior to the meeting, the complainant and council will exchange copies of any documentation or other evidence relevant to the complaint.

3.2. At the Council or Committee Meeting:

3.2.1. The Chair of the meeting will introduce everyone and explain the procedure.
3.2.2. The complainant (or their representative) will explain the grounds for complaint prior to any questions from the Clerk or from council members.

3.2.3. The Clerk will then explain council's position before taking any questions from the complainant or from council members.
3.2.4. The complainant and the Clerk should then summarise their respective positions and questions of clarification may be asked by both parties.
3.2.5. The complainant and Clerk will then leave the room while council members decide whether or not the grounds for the complaint have been made.
3.2.6. The complainant and Clerk will then be recalled to the room and council's decision will be given.
3.2.7. If it is felt impossible to reach a decision that day an estimated date for a decision will be given.

3.3. After the Meeting

3.3.1. The decision will be confirmed in writing within seven working days, together with details of any action to be taken.
3.3.2. The result of the proceedings will be reported at the next council meeting after the appeal period has passed, whilst also ensuring that any issues of confidentiality are appropriately respected.

3.4. Appeals

3.4.1. Should the complainant not agree with council's decision they are entitled to appeal within fourteen days of receipt of the result of the proceedings. Notice that an appeal is to be made must be communicated in writing to the Clerk.
3.4.2. Councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal notice, examine the way in which council had dealt with the complaint.
3.4.3. If they consider that procedure had been correctly followed by council and if council's decision is judged to be correct, then the appellant should be notified that the appeal has not been successful.
3.4.4. If, in the opinion of the nominated appeal councillors, procedure had not been correctly followed or council's decision was incorrect, the complaint must be referred back for consideration as at 3.2.
3.4.5. The appellant must be notified of the result of the appeal within fourteen days of the appeal being heard.

4. Habitual and Vexatious Complaints

4.1. Council should endeavour to deal with complaints in an efficient, equitable and effective manner.
4.2. Council may have to initiate further action if the complainant behaves in ways which can:
4.2.1. impede investigation of the complaint
4.2.2. have significant resource implications
4.2.3. hinder the complaints service for others
4.2.4. be offensive, abusive or threatening

4.3. The objective of Council is to manage each case properly, consistently, fairly and respectfully and to ensure that the complaint, not the complainant, is the issue during these procedures and decision making.
4.4. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

5. Guidelines for Handling Vexatious Complaints

5.1. Council must act openly and be clear in all communications, e.g. clarifying the reason for the outcome, offering relevant support for a complainant with special needs or suggesting an independent representative to help present their case.
5.2. Any action taken as a result of proven persistent and/or vexatious complaints should be proportionate to the degree of annoyance/aggravation caused.

6. Procedure for Handling Vexatious Complaints

6.1. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chair or Vice Chair of council.
6.2. The Chair or Vice Chair should contact the complainant in an effort to resolve the situation.
6.3. In the case of a meeting there should be at least two councillors present. If there is a personality issue, the complainant may ask for another councillor to be nominated, who must be made aware of all the facts. A complainant may wish to bring a representative (e.g. in the case of special needs). Council should give appropriate support to the complainant in these circumstances.
6.4. The Chair/Vice Chair must:

6.4.1. Listen to the grievance/complaint
6.4.2. Assure the complainant regarding confidentiality for personal details
6.4.3. Explain what action council has within its remit to resolve the complaint
6.4.4. Offer information about the complaints procedure to the complainant
6.4.5. Suggest alternative complaint routes if the complaint falls outside council's remit
6.4.6. Explain that the complainant's actions are of concern and are interfering with conduct of the complaints procedure
6.4.7. Explain which actions the council is able to take
6.4.8. Seek an assurance from the complainant that the persistent/unreasonable nature of complaint will be addressed

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

7. Decision

7.1. If the complainant continues to behave in unreasonable and/or vexatious way, the Chair or Vice Chair should agree with council and agree which action(s) to take, e.g. restrict or refuse any further contact.
7.2. The complainant shall be advised of this action by letter from the Clerk. This letter shall include any further actions the complainant may take with other bodies, including their right to obtain independent advice.
7.3. Council must record the decision and hold all relevant correspondence (except all personal details about the complainant), which will be stored appropriately in line with the Data Protection Act.
7.4. The Clerk must notify all councillors and members of staff as appropriate.

Date	Signed by PC Chair
01/04/2019	
12/05/2019	
05/05/2020	
16/05/2023	