



Brixworth Parish Council

Complaints Procedure

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1. 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.

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, Criminal activity by the Police; Member conduct by the Monitoring Officer of Daventry District Council and employee conduct by the Council's internal disciplinary procedure.

2. Complaints Procedure

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

Any formal complaints that are submitted will be handled by the Full Council. Two nominated councillors will not take part in the proceedings so that they will be available to handle any subsequent appeal, if required.

The Clerk will normally represent the Council through the proceedings but a nominated Parish Councillor may act instead.

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 seven 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 seven 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 fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal will, within twenty-one 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 for further consideration.
- The appellant will be notified of the result of the appeals process within fourteen days.

3. Habitual and Vexatious Complaints

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

The Parish 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.

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.

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

Guidelines

The Parish 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.

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

The Procedure

The possibility of unreasonable persistent and/or vexatious complaint will be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with in accordance with the Council's Complaints Procedure.

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

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 along a representative. The Parish Council will give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.

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 follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.

The complainant will 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.

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 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.