CONEY WESTON PARISH COUNCIL

COMPLAINTS PROCEDURE

Coney Weston Parish Council strives to provide a high standard of service to the public. In the interests of openness and the desire to seek continuous improvement, the Council encourages anyone who feels dissatisfied with the service provided to bring this to the attention of the Council. In some instances, it will be appropriate for an explanation to be given and/or remedial action taken. Where a formal complaint is submitted in writing, a proportionate investigation will be conducted, and the outcome communicated back to the Complainant in writing.

How to make a complaint about the Council
Enquiries or observations about the Council services can be made by e-mail to the Clerk@coneywestonparishcouncil.gov.uk

Formal complaints must be submitted in writing by email to the Clerk at Coney Weston Parish Council, Clerk@coneywestonparishcouncil.gov.uk

If the matter relates directly to the Clerk, the complaint should be submitted in writing by email to the Chair of the Council, Peter.clarke@coneywestonparishcouncil.gov.uk.

Confidentiality
All complaints will be treated as confidential. Even where the Complainant specifically waives their right to confidentiality, the Council will comply with its obligations under the Data Protection Act 2018 any other Data Protection legislation applying in the UK to safeguard against the unlawful disclosure of personal data.

Any meeting of the Council, or a committee or sub-committee considering a complaint or inviting the Complainant to make representations will exclude the public. Agendas and minutes will not disclose personal data or financial, sensitive or confidential information relating to an individual Complainant or a third party.

Acknowledgment of a formal complaint
Receipt of the complaint will be acknowledged within 7 working days. A response will be sent within 30 working days specifying:-

- Who is dealing with the complaint.
- Whether the Complainant will have an opportunity to make verbal representations, accompanied by a friend if desired.
- Timeframe for receipt of a formal response.

Investigation
It will usually be appropriate for the circumstances leading to the complaint to be investigated by the Clerk on behalf of the Council. Complaints of a serious nature or any that relate directly to the Clerk will be dealt with by the Council (or sub-committee). Where appropriate, the Complainant will be invited to make verbal representations to the person (or sub-committee) investigating – further detail as to the procedure is provided in Appendix 1. In normal circumstances, the Complainant will be notified in writing (e-mail if appropriate) of the outcome within two months of lodging the complaint. This will include whether or not the complaint is upheld, reasons for the decision, details of any action taken and information about the right of appeal.

Appeals
If the Complainant is not satisfied with how a complaint has been dealt with they can appeal in writing to the Council, setting out what they are unhappy with and the grounds. The appeal will be considered by a sub-committee formed of persons not previously involved in the investigation of the original complaint. This will consist of a review of the original investigation and outcome, together with any action taken as a result. Appeals received more than one month after the date of the decision letter/e-mail will not be considered.

Complaints involving members of staff or councillors, etc.
Where a complaint against the Council includes reference to the actions or conduct of staff or Councillors, the complaint will be treated as a complaint against the body corporate, as opposed to the individual(s). If after the complaint has been considered the Council considers there may be a need to take disciplinary action against a member of staff, this will be dealt with in accordance with its disciplinary procedure. Allegations that a member has breached the Code of Conduct should be forwarded to the Monitoring Officer of West Suffolk Council in writing.
https://www.westsuffolk.gov.uk/Council/Councillors_and_meetings/councillorsconduct.cfm

Councillors are free to raise matters of concern in respect of council business by the submission of motions on the agenda of the relevant meeting(s).

Where a member of staff has a complaint about the workplace, these should be raised in accordance with the Council's Grievance Policy.

Local Government Ombudsman https://www.lgo.org.uk/
The Local Government Ombudsman deals with complaints against principal authorities (district, borough and county councils) and certain other public sector bodies. It is not responsible for handling complaints against a town or parish council, except where it is working with a principal authority (through a joint committee), or it is exercising the functions of a principal authority.

Persistent or vexatious complaints policy – Please see Appendix 2 for details.

Appendix 1: Complaints Procedure – Approach / Code of conduct

To allow your complaint about the Parish Council to be dealt with, the Parish Council has adopted the following Code of Practice which will be followed where complaints cannot be resolved less formally by the Parish Clerk or the Chair of the Council.

Before the Meeting:

1. The Complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Council's Proper Officer, the Parish Clerk.
2. If the Complainant does not wish to put the complaint to the Clerk, they will be advised to put it in writing to the Chair of the Council.
3. The Clerk/Chair will acknowledge the receipt of the complaint within 7 days and advise the Complainant as to when the Parish Council will consider the matter.
4. The Complainant will be invited to attend the relevant meeting and bring with them representation if they wish.
5. By seven clear working days prior to the meeting, the Complainant will provide the Council with copies of any documentation or other evidence to which they wish to refer at the meeting. The Council will similarly provide the Complainant with copies of documentation upon which they wish to rely at the meeting.
6. The Clerk/Chair will consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

At the Meeting:

1. The Chair will introduce everyone.
2. The Chair will explain the procedure.
3. The Complainant (or their representative) will outline the grounds for complaint.
4. The Council members will then ask any question of the Complainant.
5. If relevant or necessary, the Clerk as Proper Officer will explain the Council's position.
6. The Council members will ask any question of the Clerk.
7. The Complainant (and the Clerk if the subject of the complaint) will be offered the opportunity of a last word.
8. The Complainant (and the Clerk if the subject of the complaint) will be asked to leave the room while the Council members decide whether or not the grounds for the complaint have been made. Note: If a point of clarification is necessary then any leavers will be invited back.
9. The Complainant will be advised in writing/by email of the outcome within 3 months of the date of the complaint.
10. Any decision on a complaint will be announced at the Council meeting following communication of the outcome to the Complainant.

Appendix 2 - Persistent or vexatious complaints policy

About this procedure

1.1. This policy is about the management of abusive, persistent and/or vexatious Complainants. It sets out how Coney Weston Parish Council ('the Council') will deal with Complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly and proportionately while ensuring that other service users, officers and the Council as a whole suffer no detriment.

1.2. It is considered that all Complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however in a minority of cases, the Complainant may act in a manner that is deemed unacceptable.

1.3. They may act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder the Council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

1.4. The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

How is unreasonable complaint behaviour defined?

2.1. It should be noted that raising a complaint about a Council service does not in itself constitute unreasonably persistent behaviour and neither do Complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

2.2. The Council has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent Complainants "*For us, unreasonable and unreasonably persistent Complainants are those Complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints*".

2.3. Examples of unreasonably persistent behaviour:

(this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- 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 the Council's jurisdiction or 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 members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the Complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

2.4. Examples of abusive and/or vexatious Complainants

The Council will take steps to protect its staff from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards Council staff which provokes fear.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed

Managing unreasonable Complainant behaviour

3.1. This policy may be invoked if the Council considers that a Complainant has behaved in a manner which is deemed unreasonable (see above). The Council may take any actions against a Complainant that it considers to be reasonable and proportionate in the circumstances.

3.2. Types of actions the Council may take:

- Where the Complainant tries to reopen an issue that has already been considered through one of the Council's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on the complaint has been made, the Complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- Limiting the Complainant to one type of contact (for example telephone, letter, email, etc.).
- Placing limits on the number and duration of contacts with staff per week or month.
- Requiring contact to take place with a named member of the Parish Council and informing the Complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file
- Assigning one officer to read the Complainant's correspondence, in order to ensure appropriate action is taken.

- Offering a restricted time slot for necessary calls to specified dates and times.
- Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location.

Matters to take into account before taking action

4.1. Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the Complainant and a senior officer in order to seek a mutually agreeable resolution.
- If it is known or suspected that the Complainant has any special needs then consider offering an independent advocate who may assist the Complainant with their communication with the Council.
- Where more than one Councillor or the Clerk is being contacted by the Complainant, agree a cross Council approach; and designate a lead officer to co-ordinate the Council's response.

4.2. Staff must be satisfied before taking any action as defined by this policy that the Complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

Imposing restrictions

5.1. In the first instance the Council Chair will communicate to the Complainant either by phone or in writing to explain why this behaviour is causing concern, and ask them to change this behaviour. The Complaints Team will explain what actions the Council may take if the behaviour does not change.

5.2. If the Complainant continues with the unreasonable behaviour the Chair will consult with the Parish Council about whether it is necessary to take appropriate action by invoking this policy.

5.3. When the decision has been taken to apply this policy to a Complainant, the Chair will contact the Complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken,
- what action the Council will be taking,
- the duration of that action,
- the review process of this policy

and

- the right of the Complainant to contact the Local Monitoring Officer about the fact that they have been treated as a persistent/vexatious Complainant.

5.4. Any restriction that is imposed on the Complainant's contact with the Council will be appropriate and proportionate and the Complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

5.5. If the Complainant continues to behave in a way which is deemed unacceptable then the Chair, in consultation with the Monitoring Officer, may decide to refuse all contact with the Complainant and cease any investigation into his or her complaint.

5.6. Where the behaviour is so extreme or it threatens the immediate safety and welfare of Council members and their staff, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the Complainant prior warning of that action.

New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent Complainants.

6.1. Any new complaints received from Complainants who have come under this policy will be treated on their merits. The Council does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that Complainant.

Review

7.1. The Chair will review any restrictions which are imposed upon the Complainant after three months and at the end of every subsequent three months within the period during which the policy is to apply.

7.2. Should the decision be taken to extend the period of restriction, the Complainant will be advised in writing how the Council plans to go about this and that the decision to restrict contact will be put in place for a further specified period (for example six months). The outcome of any subsequent review will be communicated to the Complainant, outlining if the restrictions will continue to apply and if so why.

7.3. If at the end of the restricted period it is considered that the Complainant's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

Ceasing Contact with a Complainant

8.1. There may be occasions where the relationship between the Council and unreasonably persistent or vexatious Complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Council will advise the Complainant that they may approach the Local Government Monitoring team who may be prepared to consider a complaint before the procedure has run its course.

Record Keeping

9.1. The Clerk will keep a record of all Complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

9.2. Anonymised information will be reported in the complaints annual report.