OLD CLEEVE PARISH COUNCIL

COMPLAINTS PROCEDURE

Adopted by Old Cleeve Parish Council at its meeting on 19 August 2024

Introduction

1. The following procedure has been adopted for dealing with complaints about the **administration or procedures** of Old Cleeve Parish Council (the Parish Council).

2. This procedure does not cover
   - complaints that are submitted anonymously;
   - complaints about the conduct of a Member of the Parish Council. Such complaints should be made through the Monitoring Officer at Somerset Council. The Chair to the Parish Council should be advised of any complaints made about a member;
   - Complaints about a policy decision made by the Parish Council will be referred to the Parish Council for consideration;
   - financial irregularities which are handled by the Parish Council's auditors; or
   - criminal activity which is investigated by the Police.

Informal Resolution

3. If complaints are made to the Council either in person, by telephone, letter or email to the Clerk or the Chair of the Council, the Clerk will try to resolve the complaint informally in a timely manner.
4. It is hoped that most complaints can be resolved quickly and amicably through this route. In the event that the informal process does not satisfy the complainant, the following complaints procedure should be instigated.

Before the Meeting

5. The complainant will be asked to put the complaint about the Parish Council's procedures or administration in writing to the Clerk. If the complaint is about the Clerk, they should be advised to address it to the Chairman of the Parish Council.

6. The Clerk will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Parish Council or by a committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way.

7. The complainant will be invited to attend a meeting and to bring with them a representative if they wish. The representative will not be entitled to speak at the meeting.

8. Seven clear working days prior to the meeting, the complainant must provide the Parish Council with copies of any documentation or other evidence relied on. The Parish Council will promptly provide the complainant with copies of any documentation upon which they wish to rely at the meeting, allowing the complainant the opportunity to read the material in good time for the meeting.

At the Meeting

9. The Parish Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Parish Council meeting in public.

10. Three nominated Councillors will not take part in the proceedings so that they are available to handle any appeal, if required.

11. The Chairman should introduce everyone and explain the procedure.

12. The Clerk should normally represent the Council throughout the proceedings but a nominated Councillor may act instead.

13. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or nominated Councillor and then (ii) members.

14. The Clerk or nominated Councillor will have an opportunity to explain the Parish Council's position and questions may be asked by (i) the complainant and (ii) members.

15. The Clerk or nominated Councillor and then the complainant should be offered the opportunity to summarise their position.

16. The Clerk or nominated Councillor and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

17. The Clerk or nominated Councillor and the complainant should 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.

After the Meeting

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

Appeals

19. 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.

20. The Councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the Parish Council dealt with the complaint.

21. If procedures were correctly handled by the Parish Council, then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly, it must be referred back to the Parish Council for consideration.

22. The appellant should be notified of the result of the appeals process within fourteen days.

Unreasonable behaviour

23. The Council may have to initiate further action, if the complainant behaves unreasonably.

24. The Parish Council defines unreasonable behaviour as that which hinders its consideration of complaints because of the frequency or nature of the complainant's contact with the Parish Council, such as if the complainant:
    - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
    - refuses to co-operate with the complaints investigation process
    - refuses to accept that certain issues are not within the scope of the complaints procedure
    - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
    - introduces trivial or irrelevant information which they expect to be taken into account and commented on
    - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
    - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
    - changes the basis of the complaint as the investigation proceeds
    - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
    - refuses to accept the findings of the investigation into that complaint where the council's complaint procedure has been fully and properly implemented and completed
    - seeks an unrealistic outcome
    - makes excessive demands on council time by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email, and by telephone while the complaint is being dealt with
    - uses threats to intimidate
    - uses abusive, offensive or discriminatory language or violence
    - knowingly provides falsified information
    - publishes unacceptable information on social media or other public forums.

25. Any action taken because of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

Procedure

26. The possibility of there being an unreasonably persistent and/or vexatious complaint should

be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with according to the Council's complaints procedure.

27. The Chairman or Vice Chairman should seek the agreement of the Parish Council to further actions, such as restricting or refusing any further contact.

28. The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies.

29. The Parish Council must record the decision and hold all relevant correspondence, which will be stored appropriately in line with the Data Protection Act 2018.

30. The Clerk must notify all Councillors and members of staff as appropriate.

31. Any new complaint from any person who has come under the policy must be treated on its merit.