



SUNNINGWELL PARISH COUNCIL

COMPLAINTS PROCEDURE

Agreed by the Parish Council: -

Minute reference 89/21 June 2021

COMPLAINTS to the PARISH COUNCIL

Complaint procedures are an integral part of the machinery of nearly every commercial or public service organisation. By dealing with, and responding to, accusations or instances of poor performance the organisation sees its faults and has the opportunity to address them and improve.

There are other places that a member of the public, or a member of the council, can go to seek redress for a wrong they consider the council has committed.

These will include complaints concerning the following:

- Where someone feels very strongly that a decision of the Parish Council was unlawful, they may apply to the courts for a judicial review of the Council's decision;
- If there is an accusation of financial wrongdoing, a complaint may be made to the council's external auditor Moore East Midlands;
- Breaches of the Members' code of conduct for the council may result in an allegation being made to the Vale of White Horse District Council's local standards committee. This may be in respect of financial wrongdoing, acting on prejudicial interests, not complying with equality legislation and so on;
- Any matter that raises a suspicion of criminal wrongdoing can be referred to the police;
- A complaint that the council has not released information under the Freedom of Information Act 2000 in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner.

CODE OF PRACTICE FOR HANDLING COMPLAINTS

Every effort should be made by the Parish Council to resolve complaints to the satisfaction of the complainant. All complaints should be sent to the clerk for oversight. Upon receipt the Clerk will, with the Chair or Vice-chair, form a panel to review the complaint. Receipt of this will be formally acknowledged in writing with 21 days and the complainant advised of when the Panel will meet and who will be sitting on it. If necessary the panel will arrange to meet the complainant. The complainant will be invited to bring a “friend” either to represent or to give moral support. A minimum two weeks’ prior notice of such a panel will be given. At the time the complainant is notified in writing of the panel date they will also be requested to present any material/documentation that they wish to give in evidence to the meeting no later than 7 days prior to the meeting and the Council will confirm that it will present any material it intends to present to the complainant within the same time scale. The panel may choose to defer consideration of the complaint to a full council meeting. A formal response by the Parish Council should be formally communicated with 65 days of receipt.

Complaints concerning the conduct of a Member of the Parish Council, and that are not dealt with to the satisfaction of the complainant by the Parish Council, should be dealt with by the Standards Committee of the Vale of White Horse District Council, and must be submitted to:

The Standards Committee
Vale of White Horse District Council
Abbey House, Abingdon OX14 3JE

Email: democraticservices@whitehorsedc.gov.uk Telephone [01235 540305](tel:01235 540305)

The public and press are not permitted attendance at complaints panel meetings although the Chairman or Vice Chair will report on the outcome of the panel meeting at the following full Council meeting. The order of business for the complaints panel meeting is in accordance with the National Association of Local Council’s guidance:

1. Chairman to introduce everyone.
2. Chairman to explain procedure.
3. Complainant (or representative) to outline grounds for complaint.
4. Members to ask any question of the complainant.
5. If relevant, the Clerk or other officer in attendance to explain the Council’s position.
6. Members to ask any question of the Clerk.
7. The Clerk and the complainant to be offered opportunity of final comments.
8. Clerk and complainant to be asked to leave the room while Members decide whether the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
9. Clerk and complainant return to hear decision, or to be advised when decision will be made.
10. Clerk formally documents the meeting and confirms the decision in writing within 7 days of the meeting.

Following the conclusion of the meeting the complainant will be advised of the decision of the panel. Any appeal against the decision should be directed to the Vale of White Horse Standards committee in writing within 30 days of the decision being made.

FRIVOLOUS, VEXATIOUS, ABUSIVE or PERSISTENT COMPLAINTS

This policy is to the Parish Council to deal with anyone who repeatedly complains about the same issue although the Council has replied to the complaint, or who appears to go out of their way to find things to complain about as a means of harassing the council, or who complains in an unreasonable way.

There are times when nothing further can be done to solve a real or perceived problem and continual communication with the person complaining only uses up the limited time and energy available to a Parish Council. This policy is to set out the criteria used by the Council to decide if a complaint should be classed as frivolous or vexatious or abusive or persistent and whether to cease to communicate with the complainant.

The policy applies to complainants who seek to disrupt the work of the Parish Council by following an unreasonable course of conduct or repeatedly put in complaints to irritate, annoy or cause distress.

Complaints may be rejected at any time if, in the Council's opinion, they are repetitious or prolific and/or the complainant obsessively pursues unreasonable complaints and/or expects unrealistic outcomes and/or carries out complaints in an unreasonable manner.

DEFINITION

This group of complaints is where any of the items below are seen to apply:

- The complaints procedure has been implemented and exhausted and a decision already given to the individual.
- The complainant changes the substance of the complaint or continually raises new issues or seeks to prolong contact by raising further concerns or questions while the complaint is being considered.
- The complainant is unwilling to accept documented evidence given as being factual or deny receipt of any adequate response in spite of communications answering their questions or refuses to accept the Council's decisions.
- The complainant does not clearly identify the precise issues which they wish investigated.
- The complainant focuses on matters which are not sufficiently serious to an extent which is out of all proportion to their importance.
- The complainant has been verbally or physically threatening, offensive or intimidating, in person or in communications, in which case all face to face contact with them will cease at once and Thames Valley Police may be informed.
- The complainant has had an excessive number of contacts with the Parish Council, placing unreasonable demands on time and resources.
- The complainant insists on the complaint being dealt with in ways which are not compatible with the adopted complaints procedure.
- The complainant makes the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insists the minor differences make these 'new' complaints that should be put through the whole complaints procedure.
- The complainant complains about or challenges an issue based on a historic and irreversible decision or incident.

- The complainant makes what appear to be groundless complaints about staff dealing with the complaints and seeking to have them dismissed or replaced.
- The complainant adopts a ‘scattergun’ approach by pursuing a complaint or complaints with the Parish Council and, at the same time, with a Member of Parliament, elected members of this and other councils, other levels of Local Government, the authority’s independent auditor, Standards Board, local police, solicitors, or the Ombudsman.
- The complainant is known to have recorded meetings or face to face contacts or telephone conversations without the prior consent of all parties involved, except where legislation allows.
- The complainant has made unreasonable demands on the Parish Council, for example insisting on responses or enquiries being provided more urgently than is reasonable or necessary.
- The complainant has made unreasonable complaints, where complaints do not have any serious purpose or value, are designed to cause disruption or annoyance, have the effect of harassing the Council, or can otherwise be characterised as obsessive or unreasonable.
- The complainant has made repetitive complaints and allegations which ignore the replies made for and on behalf of the Parish Council in previous communications.
- The complainant is offensive, abusive, or threatening in any way.

ACTION to take in such cases:

The Parish Council will meet in private at the end of a full council meeting to discuss any complaints/ complainants that are considered by the Clerk, Chairman and at least two other Parish Councillors to come under the above definitions.

If it is agreed by the majority that the complaints fall under the required definition, the Clerk will write to the individual to say that their behaviour is considered by the Council to be unreasonable and unacceptable and requests a change of approach. The individual will be sent a copy of this policy at this stage.

If there is no improvement in behaviour, then the Council will inform the complainant in writing that their behaviour is not acceptable and why. They will be informed that communication from the Parish Council will cease and the period for which that will apply before review. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone, except through a third party.
- Banning the individual from sending emails to individuals and/ or council employees and insisting they only correspond by letter.
- Banning the individual from accessing any council premises except by appointment.
- Requiring contact to take place with one named staff member only.
- Requiring any personal contact to take place in the presence of an appropriate witness.
- If behaviour threatens the safety or welfare of staff or councillors, the Council may report the matter to Thames Valley Police or take appropriate legal action.