

# Great Hanwood Parish Council

## Complaints Procedure

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### Introduction:

Great Hanwood Parish Council aims to provide services and represent the community in a democratic and efficient way. We welcome feedback as it helps us to improve the way we work and to learn from things that have gone wrong. Should you wish to make a complaint about the Council, we request that you follow the procedures set out below. We will endeavor to investigate all complaints swiftly and find a solution, wherever possible, to the satisfaction of the complainant.

In certain circumstances it will not be appropriate to deal with a complaint under this procedure and the Council will consider engaging other procedures and bodies in respect of the following types of complaint:

Type of Conduct	Refer to
<b>Financial Irregularity</b>	Local electors' statutory right to object Council's audit of accounts, pursuant to s.16 Audit Commission Act 1998. On other matters the Council may need to consult their auditor.
<b>Criminal Activity</b>	The police
<b>Member Conduct</b>	A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the standards committee of Shropshire Council
<b>Employee Conduct</b>	Internal disciplinary procedure

### Definition of a Complaint:

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

### Confidentiality:

The identity of a complainant will only be made known to those who need to consider a complaint. A similar level of confidentiality will be maintained for third parties mentioned in the complaint.

## 3-Stage Complaints Procedure:

### Stage 1 – Officer Resolution

Complaints should be addressed in the first instance to the Clerk using the contact details below, giving as much detail as possible including the relevant dates, names and addresses. If the Complainant does not wish to write to the Clerk they are advised to address the complaint to the Chairman.

Where a complaint can be dealt with immediately, the Clerk will advise the Complainant of the proposed remedy and the time expected to resolve the problem. The complainant can expect to receive a substantive response within 10 days of receipt.

If a complaint cannot be resolved immediately, or a satisfactory timescale for resolution agreed; the Complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or Chairman.

The Clerk or Chairman will acknowledge receipt of the complaint and consider whether a Complaint Hearing is appropriate to deal with the matter. If the complaint is one of those categories listed in the table above the Complainant will be given appropriate contact details of the relevant body.

## **Stage 2 – Complaint Hearing**

If appropriate, the Clerk or Chairman will advise the Complainant when the matter will be considered by a meeting of the **Finance and General Purposes Committee or other committee formed to hear complaints**. The Committee shall comprise at least 3 members of the Council who are not involved in the complaint. The Complainant will be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way on a public agenda.

### **Before the meeting:**

The Complainant will be asked to provide copies of any documentation or other evidence to which they wish to refer at least 7 clear days before the meeting. The Council will provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

The Complainant will be invited to attend the meeting and to bring with them a representative if they wish to do so.

### **At the meeting:**

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

The Chairman will introduce everybody and explain the procedure.

The Complainant (or their representative) will be invited to outline the grounds for the complaint.

The Clerk and then Members will be given an opportunity to ask questions.

The Clerk will be given an opportunity to explain the Council's position and questions may be asked by the Complainant and then by Members.

The Clerk and then the Complainant will be invited to summarise their position.

The Clerk and the Complainant will be asked to leave the room whilst the Committee 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.

Both the Clerk and the Complainant will be given the opportunity to wait for the decision, however if the decision is unlikely to be finalized on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.

**After the meeting;**

The decision will be confirmed in writing within seven working days, together with details of any action to be taken. The details of the decision will be recorded in the minutes of the meeting with names redacted as appropriate to preserve confidentiality.

**Stage 3 – Appeals**

In the event that a Complainant is dissatisfied with the decision of the Committee, the complainant may write to the Chairman, who will review the complaint and all of the paperwork relating to it. If the Chairman believes it to be appropriate he or she will submit the details to an **Appeals Committee**, which shall be formed of a minimum of 3 members of the Council, not involved in the complaint or original Committee. If it is not possible to form an Appeals Committee the Chairman may, at his discretion refer the appeal to the **Full Council** for a final hearing. In this instance, the procedures set out in **Stage 2** will be repeated and the resulting decision will be final.

**Unreasonably Persistent and Vexations Complaints:**

On rare occasions a member of the public may unnecessarily take up a large amount of Council resources by the pressing of unreasonably persistent or vexatious complaints. These can result in a detrimental effect on the ability of the Council to provide a satisfactory level of service. The use of the Complaints Procedure set out above is encouraged but should the Clerk or Chairman become concerned about the behavior of a Complainant, the Unreasonably Persistent and Vexatious Complaints Procedure will be triggered.

**Contact Details:**

Address for Complaints:

Mrs Rebecca Turner  
The Old Police House, Nesscliffe, Shrewsbury, SY4 1dB  
Telephone: 01743 741611  
Email: greathanwoodpc@gmail.com

Note – The Clerk works irregular part time hours from home and may be unavailable at times. Answerphone messages will usually be responded to by the end of the next working day.

Adopted: 18<sup>th</sup> May 2017

## **Unreasonably Persistent and Vexatious Complaints Procedure**

### **1. Introduction**

The Council is committed to ensuring that it provides a high quality and efficient service to its electorate. However, there are rare instances where a member of the public unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service.

The procedure below establishes what is considered to be acceptable levels of contact with the Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled. The Procedure must NOT be used to impede the ability of a customer to have reasonable access to services provided. For example, a customer will not be considered for classification under this Procedure for asking difficult questions. It should not be assumed that because a member of the public has submitted a large number of enquiries they are vexati

ous or unreasonably persistent. In some cases, their persistence may be necessary to receive sufficient response from the Council.

### **2. Definitions of unreasonably persistent and vexatious behaviour**

Unreasonably persistent and vexatious complainers are those individuals who, because of the nature or frequency of their contacts with the Council hinder its ability to work effectively.

### **3. Actions and behaviours of unreasonably persistent and vexatious complainers**

These are some of the actions and behaviours which the clerk often finds problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper handling of the issues raised.

These behaviours can be:

- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Making excessive demands on the time and resources of staff with lengthy phone calls e-mails to the clerk/councillors or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the complainant insists make these 'new' issues.
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council.

- Adopting a violent or aggressive demeanour

#### **4. Operating the procedure**

Any of the above behaviours may trigger the beginning of this process.

The Clerk will contact the Chairman to discuss why the complainant's behaviour is causing concern and the Clerk may write to the individual clearly explaining the actions the Council may take if their behaviour does not change. In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of the Clerk/Councillors. This is a decision which will be taken by the Council.

Examples of some options the Council may consider are:

- Requesting contact in a particular format e.g. letters only
- Requiring contact to take place with a single named person only.
- Restricting telephone calls to specified days and times
- Restricting the number of times a complainant may be in contact over a certain time period.

If a complainant's behaviour continues, or if the behaviour is extreme or a rapidly escalating case, the Clerk in conjunction with the Chairman will make a decision as to the action to take. A letter will then be sent to the Complainant outlining the decision. All letters will include:

- Why the decision has been taken;
- What action will be taken;
- The duration of that action;
- The date of review for the action, if required;
- Details around the complainant's right of appeal against the decision to apply the procedure;

The decision made, and all correspondence sent in relation to it, will be recorded by the Clerk. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Clerk/Councillors, other options will be considered; for example reporting the matter to the Police or taking legal action.

#### **5. Right of appeal**

Complainants have the right to appeal the application of the decision. All appeals will be examined by the Chairman or by Full Council if the Chairman was involved in the original decision to invoke this procedure.