

# Calverton Parish Council

## Complaints Policy & Procedure

### Complaints Policy

Calverton Parish Council (the Council) aims to provide good quality services on every occasion but accepts that sometimes things can go wrong. The purpose of this policy & procedure is to establish what went wrong, why and try to put things right for the future.

If you are dissatisfied with the standard of service, the actions or lack of action by the Council, its employees or anyone providing services on behalf of the Council, we would like you to let us know so that we can investigate and, if necessary, put things right. This policy & procedure helps us to do this. Your complaint will be:

- Recorded and acknowledged;
- Dealt with as quickly and reasonably possible;
- Handled courteously and fairly; and
- Investigated fully.

### How to make a complaint

You can make your complaint by telephone, in writing, by email, using our complaints form (available from the Council Office or via the Council's website) or directly to the Council in person.

Complaints should be addressed to the Clerk to the Council at:

- Council Room, Main Street, Calverton, Nottingham NG14 6FG; or
- by email to [clerk2thecouncil@btconnect.com](mailto:clerk2thecouncil@btconnect.com); or
- by telephone on 0115 965 4560.

It will help us to deal with your complaint if you explain briefly and clearly:

- What you are complaining about;
- When it happened (or should have happened);
- Why and how you think we should have done things differently; and
- What you think the Council should do to put things right.

We will acknowledge your complaint within 5 working days and aim to reply fully within the timescales set out in the procedure below.

The identity of a complainant should only be made known to those who need to investigate and/or consider a complaint.

### **Notes:**

1. A complaint should normally be made within 6 months of the problem occurring.
2. Anyone associated with the Council involved in handling a complaint must be seen to be approachable and impartial. A complainant is entitled to ask to speak to/meet the Council Chairman or an alternative Council representative if they prefer, however, individual Councillors, including the Chairman, have no authority to represent Council views or make decisions on behalf of the Council.
3. Complaints that a Councillor has breached the Code of Conduct for Members should be referred to The Monitoring Officer, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

## Complaints Procedure

### How we handle complaints

The purpose of a complaints procedure is to effectively investigate complaints and to put things right where things are found to be wrong.

All complaints should be resolved within a maximum of 60 working days from receipt.

**Stage 1:** When the Clerk receives a complaint he/she should attempt to investigate and resolve the matter informally in the first instance.

A full response will be made within 10 working days of receipt wherever possible. If the investigation requires more time an initial response explaining the reason for the delay will be sent to the complainant within 10 working days.

The full written response on behalf of the Parish Council should include a full and frank response to the concerns raised by the complainant and, where appropriate, an apology.

If it is not possible to resolve the complaint as set out above, either because of the serious nature or complexity of the complaint, or because the complainant is not satisfied with the response provided, the complaint will be dealt with under Stage 2 below.

**Stage 2:** The following procedure is designed for those complaints which cannot be satisfied by less formal measures or the initial response provided to the complainant by the Clerk.

The Clerk will notify the complainant that the matter is proceeding under Stage 2 within either 10 working days of receipt for more serious or complex complaints; or 10 working days of receiving notification that the complainant is not satisfied with the response provided at Stage 1.

The complaint will then be referred to the next available Ordinary Council Meeting or specially convened Extraordinary Council Meeting. The referral process may take up to 20 working days.

The Clerk will advise the complainant when the matter will be considered by the Council Meeting. 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 a normal agenda. The complainant will be invited to attend the Council Meeting considering the complaint and will be given the opportunity to address the Council and submit written evidence.

### At the Council Meeting considering the complaint

The Clerk or other nominated officer will represent the position of the council. If the clerk or other nominated officer puts forward justification for the action or procedure complained of, he or she should not advise the council in their deliberations.

***At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.***

The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

At least 5 working days prior to the meeting, the complainant will provide the Council with copies of any documentation or other evidence they intend to rely on.

The Clerk will provide the complainant with copies of any documentation upon which the Council wish to rely at the meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the meeting.

#### Conduct of the Complaint at the Meeting

1. The Parish Council will consider whether the circumstances of the meeting and/or complaint warrant the exclusion of the public and the press.
2. The Chairman will introduce everyone and explain the procedure.
3. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or other nominated officer and then Members of the Council.
4. The Clerk or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by the complainant and then members of the Council.
5. The complainant (or representative) and then the Clerk or other nominated officer should be offered the opportunity to summarise their respective positions.
6. The Clerk or other nominated officer and the complainant will be asked to leave the room while members consider the complaint and come to a decision. If any points of clarification are necessary, both parties shall be invited back into the meeting.
7. The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be dealt with 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. Wherever possible any decision on a complaint shall be announced at the Council Meeting in public session.
8. The decision should be confirmed in writing within 10 working days together with details of any action to be taken.
9. The decision of the Council will be final.

#### Vexatious and/or Abusive Complaints

Most complaints are made in good faith to address legitimate concerns. A very small minority of complaints may be vexatious, in that the complainant persists unreasonably with their complaint, or makes a complaint or numerous complaints in order to inconvenience the Council rather than to genuinely resolve a legitimate grievance.

The Council recognise it is important to distinguish between those who make a number of complaints because they genuinely believe things have gone wrong, and those who are seeking to subvert the legitimate business of the Council. The Council acknowledge that complainants may be frustrated and aggrieved and it is therefore, important to consider the merits of each case rather than the way in which they are expressed.

It is not necessary to meet a complainant's unreasonable demands, or to answer every single point in an unreasonable complaint. Judgement will be required to separate a complainant's legitimate queries from those that are unreasonable, potentially within the same complaint.

Where complaints are identified as potentially vexatious, the Clerk, in liaison with the Chairman and Vice Chairman of the Council, will determine the appropriate action to take. The Clerk will implement such action and will notify the complainant(s), that their complaint/grievance is considered as vexatious and what action will be taken, if any. This notification will be copied to all Councillors and a record kept of the reasons why a complaint has been deemed vexatious.

The Council may deal with complaints deemed to be vexatious in one or more of the following ways:

- In a letter, setting out requirements for the conduct of the parties involved if the Parish Council is to continue processing the complaint. If these requirements are contravened, consideration will then be given to implementing other action as indicated below.
- In a letter, declining further contact with the complainant, either in person, by telephone, email or any combination of these, provided that one form of contact is maintained which will usually be by conventional post (letter).
- Notifying the complainant, in writing that the Council has responded to the points raised and has tried to resolve the complaint but that there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint.
- Inform the complainant that the Council intends to seek legal advice on unreasonable or vexatious complaints and behaviour.

**Notes:**

1. Local Councils are not subject to the jurisdiction of the Local Government Ombudsman service.
2. Decisions taken by Local Councils are subject to challenge via Judicial Review.

Agreed By Council:	Last Reviewed By Council:
Date 10 July 2018	Date 10 July 2018
Minute	Minute