

## Clavering Parish Council Complaint Procedure (adopted August 2018)

### Introduction

Clavering Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

The appropriate time for influencing council decision-making is by raising your concerns before the council debates and votes on a matter. You may do this by writing to the council in advance of the meeting at which the item is to be discussed or by raising your concerns in the public participation section of council meetings. If you are unhappy with a council decision, you may raise your concerns with the Council, but Standing Orders prevent the council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

### This Complaints Procedure does not apply to:

- Complaints between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance policy.
- Complaints against councillors. These are covered by the Code of Conduct (adopted July 2018). Please contact the Monitoring Officer at Uttlesford District Council.
- Allegations of financial irregularity. Please contact the External Auditor.
- Criminal Activity. Please contact the police.

### How to complain to the Council

You may make your complaint about the council's procedures or administration to the Parish Clerk or the Chairman. You may do this by writing or emailing the Parish Council.

#### **Step 1:** Make Your Complaint to the Parish Clerk

Complaints are dealt with by the Clerk who will investigate and inform the complainant of the outcome. In the first instance the Clerk will acknowledge your complaint within five working days. The Parish Clerk will notify you within 21 working days of the outcome of your complaint and of what action (if any) the Clerk proposes to take as a result of your complaint.

**Step 2:** If you are dissatisfied with the Parish Clerk's response to your complaint, you may ask for your complaint to be referred to the Complaints Committee of the Parish Council. If the Clerk cannot resolve a complaint, it will be put before the Complaints Committee comprising of a minimum of 3 councillors (Clerk to attend to give advice only). The Complaints Committee will consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Full Council meeting in public and so recorded in minutes. If your complaint cannot be resolved immediately, the Complaints Committee will defer meeting to obtain advice on law, procedure and practices and investigate further information as necessary from you, the Clerk or members of the Council. Following the Complaints Committee meeting you will be notified in writing the outcome of the review of your complaint (usually within 9 weeks of the Clerk receiving your initial complaint).

**Step 3:** If you are dissatisfied with the Complaint Committee’s response to your complaint, you may ask for your complaint to be referred to Full Council. The Full Council will investigate and consider the response and respond in a final letter usually within 4 weeks of the end of step 2 or the next Parish Council meeting, whichever is sooner.

**Vexatious, trivial or repetitive complaints**

Vexatious, trivial or repetitive complaints can be time consuming and wasteful of recourses.

**Procedure**

**Step 1:** The Clerk will consult with the Complaints Committee prior to issuing a warning to the complainant. The Clerk will write to explain why the behaviour is causing concern and ask the complainant to change the behaviour and outline the actions that the Council may take if they do not comply.

**Step 2:** If the complaints/complainant continues to be vexatious, trivial or repetitive the Complaints Committee will seek agreement from full council to treat the complainant as so. Restrictions may be applied to the complainant and will be tailored to deal with the individual circumstances. They may include (but the list is not exhaustive):

- refusing to speak to the complainant on the telephone
- restricting telephone calls to specified days and/or times and/or duration
- refusing to answer emails and insisting they only correspond by postal letter
- requiring any personal contact to take place in the presence of an appropriate witness
- refusing to respond or to acknowledge any further contact from them on the specific topic of that complaint

**Step 3:** The Council will notify the complainant, in writing, of the reasons why the complaint has been treated as vexatious, trivial or repetitive.

**Step 4:** The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

New complaints from people who have been treated as vexatious, trivial or repetitive come under this policy will be treated on their merits. The Complaints Committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint.

Please see Appendix for examples of vexatious, trivial or repetitive complaints.

<p><u>The Clerk</u> Clavering Parish Council PO Box 1376 Cambridge CB1 0GS <a href="mailto:clerk@claveringvillage.org.uk">clerk@claveringvillage.org.uk</a></p>	<p><u>The Monitoring Officer</u> Uttlesford District Council Council Offices London Road Saffron Walden Essex CB11 4ER</p>	<p><u>External Auditor</u> Littlejohn LLP 1 Westferry Circus Canary Wharf London E14 4HD</p>
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## Appendix

Examples of vexatious, repetitive or trivial complaints (the list is not exhaustive):

- insufficient grounds for complaint and making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy
- refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes, telephone calls or e-mails)
- harass or verbally abuse or otherwise seek to intimidate the Clerk or councillors dealing with their complaint
- use foul, inappropriate, offensive or racist language
- publish their complaints in other forms of media
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's External Auditor, the Police, other public bodies or solicitors
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given

- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident