

Stanhoe Parish Council Complaints Procedure

1.Scope and Purpose

1.1 This procedure applies to formal complaints against Stanhoe Parish Council (the Council) regarding its actions, services, or lack thereof and those that could be described as vexatious.

1.2 Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

1.3 Complaints are treated as concerns against the Council as a corporate body, not against individual employees or members. Excluded matters include financial irregularity (handled by the internal auditor), criminal activity (police), individual Council members (Monitoring Officer). These complaints should be sent directly to the appropriate organization and not sent to council. Staff conduct will be managed as internal disciplinary procedure, not through the complaints process. Please direct such complaints to the Chair of the Council.

1.4 Stanhoe Parish Council will bear in mind the provisions of the Data Protection Act 1998/May2018 as well as the Freedom of Information Act 2000 in dealing with complaints.

1.5 The Clerk represents the Council. Personal details are kept confidential unless necessary for the investigation.

2. Submitting a Complaint

2.1 Complaints must be written and sent to the Clerk or Chair. Assistance can be provided. The complaint will be acknowledged within 7 working days, and the complainant must confirm their wish to proceed under this procedure.

2.2 The complainant will be advised when the matter will be considered and whether it will be treated confidentially .

2.3 A copy of this procedure will be given to the complainant.

3. Complaint Process

3.1 Complaints are reviewed either by the full Council with two reserved for appeals, at the end of the next full meeting, or a panel of three councillors at an agreed date.

3.2 The complainant will be invited to attend a meeting with a representative if wished. (not a paid legal advisor)

3.3 Both parties will exchange relevant evidence/documentation at least 7 working days before the meeting.

4. Hearing the Complaint

4.1. The meeting chair introduces everyone and explains the process.

4.2. The complainant (or representative) presents their case; councillors and the Clerk may ask questions. The complainant may be represented by an individual, but not paid legal advisor.

4.3. The Clerk explains the Council's position, followed by responding to any questions.

4.4 Both parties summarise their positions and leave while councillors deliberate.

4.5. A decision is either made during the meeting or a date set for resolution.

5. Outcome and Appeal

5.1 Decisions are confirmed in writing within 7 working days, including actions to be taken and the appeal process.

5.2 Appeals must be submitted within 14 days if the complainant believes the complaint was not handled fairly.

5.3 Two nominated councillors will review the handling of the complaint within 21 days.

5.4 Outcomes include upholding the original decision or referring the matter back for reconsideration.

5.5 If procedures were correctly handled by the Council then the complainant is notified that the appeal has been unsuccessful. If the complaint was not handled correctly then it must be referred back for consideration as at 4.

5.6 The complainant will be notified of the result of the appeal within 14 days.

6. Habitual and Vexatious Complaints

6.1 Habitual or vexatious complaints include unreasonable or persistent grievances. Examples include refusing to cooperate, harassing staff, or repeatedly reopening closed cases.

6.2 The Council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others ; be offensive, abusive or threatening.

6.3 Aims

The aim of the Council is to manage each case properly, consistently, fairly and respectfully and to ensure the complaint, not the complainant, is the issue during any procedure and decision making.

6.4 Guidelines

Council will try and keep open the lines of communication with appropriate support eg clarifying the reason for the outcome, offering relevant support for any special needs, suggesting an independent representative to help present their case.

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

6.5 Procedure

6.5.1

The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chair or Vice Chair to ensure that the complaint has been dealt with according to this procedure.

6.5.2 The Chair or Vice Chair should contact the complainant in an effort to resolve the situation.

6.5.3 In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of the facts. A complainant may wish to bring

support and if required, the Council should give appropriate support in choosing a representative.

6.5.4 The Chair/Vice Chair must:

- Listen to the complaint
- Assure confidentiality
- Explain the action the Council has taken in an effort to resolve the complaint
- Offer any relevant support about the Complaints procedure.
- Suggest complaint routes if the issue is outside the Councils remit.
- Explain how the complainants actions are of concern but are hampering the procedure.
- Explain what actions the Council may take
- Seek assurance that the persistent/unreasonable nature of the complaint will be addressed.

6.5.5

The outcome and relevant details of the meeting will be noted.

7. Decision

7.1 If the complainant continues to behave in an unreasonable or vexatious way , the Chair or Vice Chair should seek approval of the council to follow this policy and agree what actions to take eg restrict or refuse any further contact.

7.2 The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies, including the right to obtain independent advice.

7.3 The council must record this decision and hold all relevant correspondence, except all personal details, about the complaint which will be stored in line with UKGDPR.

7.4 The Clerk will notify all Councillors.

7.5 Any new complaint from any person under this section of the policy must be treated on its merit.

8. Review

The decision taken in Section 7 will be reviewed after 6 months. The complainant will be notified if the decision to apply the policy has been reversed.

Appendix One

A persistent or vexatious complaint may be one in which the complainant:

- Has insufficient grounds for the complaint and may be making the complaint to annoy, embarrass or to waste time
- Refuses to specify the grounds for a complaint despite assistance
- Refuses to co-operate with the complaints process
- Refuses to accept the issues are not within the remit of the complaint's procedure or within the power of the Council to investigate
- Refuses to accept the outcome of the complaints process
- Insists on the procedure being dealt with in ways that are not in line with good practice
- Makes an unreasonable number of contacts in relation to a complaint
- Harasses, verbally abuses, or seeks to intimidate staff or Councillors
- Repeatedly introduces new information whilst the complaint is being investigated and expects this to be considered
- Denies statements made at an earlier stage
- Makes the same complaint repeatedly, after the complaint's procedure has concluded
- Persists in seeking an outcome which is unrealistic for legal, policy or other valid reasons

Appendix Two

Restrictions will be tailored to deal with individual circumstances and may include:

- Requiring the complainant to make telephone contact only through a third party
- Requiring the complainant to make contact only by letter or email
- Requiring the complainant to send e-mails only to a specific nominated individual
- Restricting telephone calls to specified times and/or of limited duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Advising the complainant that the Council will not respond to any further contact from them on the specified complaint