

## Long Itchington Parish Council

### Complaints Procedure (Policy and Process)

This Complaints Policy (Code of Practice) is based on the framework suggested by the National Association of Local Councils (NALC). This policy is intended to help local residents deal with complaints against the actions of the Parish Councils staff or its administration.

#### Stage 1 – Informal resolution of complaints

It is hoped that the majority of complaints can be resolved quickly and amicably through informal discussion with the Parish Clerk.

- Initial complaints should be made by phone, e-mail or letter. The Parish Clerk will handle the complaint.
- Complaints must always be directed through the Parish Office and not through individual Councillors.
- A complaint that is advised to a Councillor must be passed on to the Parish Office. Individual Councillors are not authorised to resolve complaints unless expressly requested to do so by the Parish Clerk or the Chair of the Parish Council.
- It is anticipated that most complaints will be resolved through this route. However, if an informal approach has not resolved the complaint, or if the initial complaint is so serious, then the formal complaints process should be followed.

#### Stage 2 – Formal resolution of complaints

As Proper Officer the Parish Clerk is responsible for managing the complaints process. However, in circumstances where a formal complaint is being made against the Parish Clerk, then the process should be followed but the Chair of the Parish Council would take the place of the Parish Clerk in managing the complaint.

- Formal complaints must be submitted in writing to the Parish Office and addressed to the Parish Clerk (or Chair of the Parish Council, as appropriate). The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
- The Parish Clerk (or Chair) will acknowledge receipt of the complaint, in writing, within ten working days.
- The Parish Clerk (or Chair) will carry out an initial investigation into the complaint and will, within 21 working days, provide the complainant with one of the following; an update on progress, a suggested resolution, confirmation that the complaint is not upheld.

- If the complainant is satisfied with the outcome of the investigation the complaint is formally closed.
- The Parish Clerk (or Chair) will report to the Parish Council summary details of the complaint, including the outcome. The summary report will exclude the name(s) of the complainant(s) and any Parish Council staff involved.
- If the Parish Clerk (or Chair) is unable to resolve the complaint, or if the complainant is not satisfied with the outcome, the matter will be referred to a meeting of the full Parish Council.

### **Stage 3 – Consideration of Complaint by the full Parish Council**

Where informal resolution and/or formal investigation by the Parish Clerk (or Chair) fail to resolve a complaint to the satisfaction of the complainant the complaint will be referred to a meeting of the full Parish Council. Details of the process to be followed are set out in **Appendix 1**.

### **Action Against Parish Council Employees**

A complaint against a Parish Council employee could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The Parish Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken against any employee. This position is expressly to protect the employment rights to which all Council employees are entitled.

### **Complaints Against Councillors**

The Parish Council will initially explore whether any complaint regarding the behavior of a Parish Councillor can be resolved to the satisfaction of the complainant on an informal basis. However, the Long Itchington Parish Council Complaints Procedure does not cover formal complaints against the behavior of an individual Councillor.

Anyone wishing to make a formal complaint regarding the behavior of an individual Councillor must write to; The Monitoring Officer, Stratford-on-Avon District Council, Elizabeth House, Church Street, Stratford upon Avon, Warwickshire, CV37 6HX.

The Monitoring Officer can only deal with complaints about the behavior of a Parish Councillor. It will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillors failure to follow the Code of Conduct.

The Monitoring Officer will not consider the following:

- Complaints that are about employees of the Parish Council,
- Incidents that occurred before a Parish Councillor was elected (or chosen to serve),

- Incidents that happened before the Parish Council adopted its Code of Conduct,
- The way the Parish Council conducts or records its meetings,
- The way the Parish Council has (or has not) done something, a decision of the Parish Council, or one of the services it provides.

### **Anonymous Complaints**

Long Itchington Parish Council will not consider any complaints that are submitted anonymously.

### **Unreasonable Behaviour and Frivolous or Vexatious Complaints**

While everyone has the right to make a legitimate complaint they are not entitled to do so in a manner that is unreasonable and which has the effect of intimidating or harassing employees or councillors.

Long Itchington Parish Council may refuse to deal with frivolous or vexatious complaints. This decision will be at the sole discretion of the Parish Council.

Every complaint will be considered on merit. Even if a complainant has made a frivolous or vexatious complaint in the past, or behaved unreasonably it will not be assumed this will be the case with any subsequent complaint submitted.

**Note 1:** A frivolous complaint is one considered to have no serious purpose or value. It will have little merit, be trivial in nature and require a disproportionate amount of resource to investigate.

**Note 2:** A vexatious complaint is one where the complainant is deliberately pursuing an issue without merit and with the intention of causing inconvenience, and/or harassment and/or expense to the Parish Council.

Long Itchington Parish Council  
Adopted April 4<sup>th</sup> 2018

## **Long Itchington Parish Council**

### **Process for the Consideration of Formal Complaints**

Where Stage 2 of the Parish Council's Complaints Procedure (Policy and Process) has failed to resolve a complaint to the satisfaction of the Complainant the matter will be referred to a meeting of the full Parish Council. The following process will apply.

1. The Complainant will put the complaint regarding the Council's procedures or administration in writing clearly setting out the grounds of the complaint. The complaint will be addressed to the Parish Office.
2. If the Parish Clerk has been involved in the consideration of the complaint at Stage 2 of the Complaints Procedure, or is the subject of the complaint, the process will be led by the Chair of the Parish Council.
3. If the Chair of the Parish Council has been involved in the consideration of the complaint at Stage 2 of the Complaints Procedure the process will be led by the Vice-Chair of the Parish Council.
4. The Complaint Lead (i.e. the Parish Clerk or the Chair or the Vice-Chair as appropriate) will acknowledge receipt of the complaint within seven working days and will advise the Complainant of the date when the matter will be considered by the Parish Council.
5. The Complainant will be invited to attend the meeting of the Parish Council at which their complaint will be considered. The Complainant has the right to be accompanied to the meeting.
6. The Complainant shall provide the Parish Council with copies of any documents or other evidence they wish to refer to at the meeting at which their complaint is to be considered. All documentation must be submitted to the Parish Office a minimum of seven working days prior to the meeting. (Documents should be clearly marked "FAO Complaint Lead").
7. The Parish Clerk (or Chair of the Parish Council) who considered the complaint at Stage 2 shall also submit any documents or other evidence they wish to refer to at the meeting. Any documents must be submitted to the Complaint Lead a minimum of seven working days prior to the meeting.
8. If the Parish Clerk is either the subject of the complaint or has been involved in considering the complaint at Stage 2 of the procedure, the Parish Council may seek an alternative adviser to be present at the

meeting (e.g. an officer from Warwickshire Association of Local Councils - WALC).

9. At the meeting to consider the complaint, the Parish Council shall determine whether any circumstances warrant the exclusion of the public (including the press). If the public is excluded from the deliberation of the complaint the final outcome decision must be announced in public.
10. The Chair of the meeting (who will either be the Chair or Vice-Chair of the Parish Council) will introduce all parties and explain the process that will be followed at the meeting.
11. The Complainant will be invited to outline the basis of the complaint, referring to any documents previously submitted.
12. Councillors will have the opportunity to ask the Complainant any questions.
13. The Parish Clerk (or Chair) who investigated the complaint at Stage 2 will have the opportunity to ask the Complainant any questions.
14. The Parish Clerk (or Chair) will be invited to outline the actions taken to respond to the complaint, referring to any documents previously submitted.
15. Councillors will have the opportunity to ask the Clerk (or Chair) any questions.
16. The Parish Clerk (or Chair) will be given the opportunity to sum up.
17. The Complainant will be given the opportunity to sum up.
18. The Clerk (or Chair) and the Complainant will leave the meeting while Councillors consider their decision. If a point of clarification is required from either party then both parties will be invited back into the meeting.
19. All parties will be invited to return to the meeting to hear the decision, or be advised when a decision will be made.
20. The decision will be confirmed in writing within seven working days of the meeting

This ends the Long Itchington Parish Council Complaints Procedure. There is no further right of appeal against any decision reached.