CAPEL PARISH COUNCIL

COMPLAINTS POLICY

1**. Introduction**

The following Complaints Policy has been created based on the framework suggested by

the National Association of Local Councils. This policy is intended to assist local residents

to deal with complaints against actions of the Council’s staff or its administration.

Capel Parish Council will not acknowledge or consider, under any circumstances,

complaints that are submitted anonymously.

Capel Parish Council aims to operate in a way that is open, transparent and fair and to

provide efficient and appropriate services to the community of Capel. The Council

welcomes feedback from the public at all times.

Complaints must always be directed through the Council offices, not through individual

Councillors. A Complainant may advise a Councillor of the details of the complaint, but

individual Councillors are not authorised to resolve complaints

2**. Informal Complaints handled by the Parish Office**

If complaints are made to the Council either in person, by telephone, letter or email to

the Parish Office or the Chair of the Council, the Clerk will try to resolve the complaint

informally in a timely manner.

It is hoped that most complaints can be resolved quickly and amicably through this route.

In the event that the informal process does not satisfy a member of the public, Capel

Parish Council has a formal complaints procedure that should be followed.

3. **Formal Complaints handled by the Parish Council**

If the Complainant is not satisfied by the informal actions taken, or may wish to make a

formal complaint directly, they will be asked to submit a formal complaint in writing to the

Parish Office, addressed to the Clerk or Chair of the Parish Council as appropriate. The

complaint should cover as much detail as possible and enclose any relevant supporting

documentation.

1. The Clerk or Chair of the Parish Council will acknowledge receipt of the complaint,

in writing either by email or post, within 5 working days.

1. On receipt of a complaint the Clerk, in consultation with the Chair of the Parish

Council, will ascertain the category of the complaint and take the relevant action

with reference to the complaint category detailed in Appendix 1. The Complainant

will be informed of which category the complaint falls under and the action required.

1. If the complaint is considered to be a category D complaint (see Appendix 1), the

Clerk or Chair of the Parish Council will advise the Complainant when the matter

will be considered by the Complaints Committee. The Procedure in Appendix 2 will

be followed in this instance.

1. The Clerk or Chair of the Parish Council will report to the Council, summary details

of the complaint and a brief summary of its resolution. This summary report will

exclude the names of the Complainants and any Council staff involved.

1. Repeated or Vexatious Complaints

A small percentage of complainants may persistently complain or complain in a way that

appears to be obsessive, harassing or repetitious. This will require a disproportionate

amount of resources and may result in unacceptable levels of stress for staff.

Whilst everyone has the right to make a legitimate complaint, they are not entitled to do

so in a way that is unreasonable, or which has the effect of intimidating or harassing staff.

A vexatious or persistent complaint can be characterised in a number of ways:

* Actions which are obsessive, persistent, harassing, prolific, repetitious.
* Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
* Insistence upon pursuing meritorious complaints in an unreasonable manner.

A Complainant can only be considered vexatious once a decision has been passed to that

effect by resolution of Full Council giving the reason and scope. This will be confirmed in

writing to the Complainant.

Appendix 1

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|  | Complaint Category | Action |
| A | Criminal activity | The Clerk should refer the Complainant to the Police |
| B | Member conduct | A complaint against an individual Councillor is notcovered by this Complaints Policy. If anyone wishesto make a complaint about the behaviour of anindividual Councillor, they must write to theMonitoring Officer, Tunbridge Wells Borough Council,Town Hall, Tunbridge Wells, Kent TN1 1RS.The Monitoring Officer can only deal with complaintsabout the behaviour of a Councillor. The MonitoringOfficer will not deal with complaints about matters thatare not covered by the Councillors’ Code of Conduct,complaints that are about people employed by theParish Council, incidents that happened before amember was elected or chose to serve on the Council,incidents that happened before the authority adoptedits Code of Conduct, the way an authority conducts orrecords its meetings, the way an authority has or hasnot done something, a decision of the authority or oneof the services it provides. |
| C | Employee conduct | As an internal disciplinary matter, this should be dealt with under the council’s disciplinary procedure. A complaint against a member of the Council’s staff could result in disciplinary action or in cases of gross misconduct, dismissal from the Council’s employment. The Council, will not under any circumstances, enter into any correspondence or discussion with any Complainant about any action taken, formally or informally against any member of staff. This is expressly to protect the employment rights to which all employees of the Council are entitled. |
| D | Other | Category D complaints are “expressions 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 action on behalf of the Council”. These will be heard by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf.  |

**Appendix 2**

**Complaints Procedure**

Before the Meeting of the Complaints Committee

1. The Complainant should be asked to put the complaint about the Council’s

procedures or administration in writing to the Clerk or their substitute. The Clerk

or Chair shall acknowledge receipt of the request within 5 working days.

1. A Complaints Committee will be appointed from the membership of the current

Finance Committee and Staff, Office and Admin Committee. There will be a minimum membership of three councillors. No Councillors will be appointed who have already been involved in the matter, which is the subject of the complaint. If necessary, members from Full Council will be appointed if there are insufficient appropriate members of the Finance Committee and Staff, Office and Admin Committee.

1. The Clerk or their substitute will advise the Complainant when the matter will be

considered by the Complaints Committee established for the purposes of hearing

complaints, giving at least 10 working days’ notice of the Committee 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 the usual way on

the committee agenda.

1. The Complainant shall be invited to attend a meeting of the Complaints Committee

and to bring with them one other person for support if they wish. They will not be

entitled to bring legal representation. The other person may not address the

meeting.

1. If the Complaints Committee deem it necessary, it may require particulars of the

complaint or any related matters to be submitted in advance of the meeting by the

Complainant or the Council.

1. Five clear working days prior to the meeting, the Complainant shall provide the

Council with copies of any documentation or other evidence relied on. The Council

shall provide the Complainant with copies of any documentation upon which they

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.

Who will be at the meeting?

1. The members of the Complaints Committee.
2. The Clerk to the Council or a suitably appointed substitute.
3. The Complainant who may be accompanied by one other person for support as set out above.

At the Meeting

1. The Complaints Committee shall consider whether the circumstances of the

meeting warrant the exclusion of the public and press.

1. The Chair of the Complaints Committee should introduce everyone and explain

the procedure

1. The Complainant should outline the grounds for complaint and, thereafter,

questions may be asked by the Clerk or their substitute and/or Councillors.

1. The Clerk or their substitute will have an opportunity to explain the Council’s

position and questions may be asked by the Complainant and Councillors.

1. The Clerk or their substitute, and then the Complainant should be offered the

opportunity to summarise their position.

1. The Clerk or their substitute, and the Complainant and any person attending in

support of the Complainant should be asked to leave the room while Councillors

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.

1. The Clerk or their substitute, and the Complainant should be given the

opportunity to wait for the decision but if the decision is unlikely to be finalised 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.

After the Meeting

The decision should be confirmed in writing within seven working days together with

details of any action to be taken.

Right of Appeal

The Complaints Committee’s decision is final.