

Simonburn Parish Council

Complaints Policy and Procedure

We are committed to providing high quality services to all our residents. The services we provide are continually reviewed to ensure they meet the needs and expectations of our customers, to help us improve we actively seek comments good or bad concerning all aspects of the services we offer.

If you have a complaint, suggestion or compliment please write to the Clerk

What is a complaint?

A complaint is an expression 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 acting on behalf of the council.

Complaint Category

Financial Irregularity

The Clerk should endeavour to provide an explanation of the item. The Clerk may need to consult the auditor/Audit Commission. If the complaint is not satisfied, the clerk should advise the complainant of the Local elector's statutory right to object Council's audit of accounts pursuant to S16 Audit Commission Act 1998.

Criminal Activity

The Clerk should refer the complainant to the police.

Member Conduct

If the complaint relates to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the Local Standards Committee.

Employee Conduct

As an internal disciplinary matter this should be dealt with under the Council's disciplinary procedure

Other Complaint

This should be dealt with under the following complaints procedure. This category of complaints are expressions of dissatisfaction by one or more members of the public about the Council's actions or lack of action or about the standard of service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

Complaints Procedure

1 Introduction

1.1 This procedure covers routine complaints and those that could be described as habitual and vexatious. The majority of complaints generally fall under the first category and only occasionally move to the second option covered by paragraph 4 onwards.

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

1.3. Some types of complaint are handled outside this procedure: Financial irregularity are handled by the Council's own auditor/Audit Commission; Criminal activity by the Police; Member conduct by the standards committee of the relevant principal authority; Employee conduct by internal disciplinary procedure.

2 Complaints Procedures for Local Councils

2.1. Councils should handle complaints in full council or nominate councillors who are authorised to deal with complaints but are not involved with the particular case.

2.2. If the complaint is handled by the full council then two nominated councillors should not take part in the proceedings. They will then be available to handle any appeal, if required.

2.3. The Clerk should normally represent the council through the proceedings but a nominated councillor may act instead.

The Procedure

3.1. Before the Meeting

- The complainant should complain in writing to the Clerk or to the Chairman of the council. Assistance should be given to the claimant if necessary.
- The complainant should be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure should also be given to the complainant.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

3.2. At the Council Meeting or Committee Meeting

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the Clerk and then from members if present.
- The Clerk should explain the council's position before any questions from the complainant, and from members if present.
- The complainant and the Clerk should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

3.3. After the Meeting

- The decision should be confirmed in writing within seven working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

3.4. Appeals

- Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- The councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
- If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration as at 3.2.
- The appellant should be notified of the result of the appeals process within fourteen days.

4 Habitual and Vexatious Complaints

4.1. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.

4.2. 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.

5 Aims of this Section

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

5.2. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

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6 Guidelines

6.1. Councils must try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering

relevant support for a complainant with special needs; suggesting an independent representative to help present their case.

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

7 Procedure

7.1. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.

7.2. The Chairman or Vice Chairman should contact the complainant in an effort to resolve the Situation.

7.3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The council should give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.

7.4. The Chairman/Vice Chairman must:

- Listen to the grievance/complaint
- Assure the complainant of confidentiality with personal details
- Carefully explain what action the council has taken within its remit to resolve the complaint
- Offer any relevant support about the complaints procedure to the complainant
- Suggest complaint routes available if complaint is outside the council's remit
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- Suggest complaint routes available if complaint is outside the Council's remit
- Explain how the complainant's actions are of concern but are hampering the complaints procedure
- Explain what actions the council may take
- Seek an assurance that the persistent/unreasonable nature of complaint will be addressed

7.5. The outcome and relevant details of the meeting should be noted.

8 Decision

8.1. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.

8.2. 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 their right to obtain independent advice.

8.3. The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the

complainant, which will be stored appropriately in line with the Data Protection Act.

8.4. The Clerk must notify all councillors and members of staff as appropriate,

8.5. Any new complaint from any person who has come under the policy must be treated on its merit.

9 Review

9.1. The decision taken at Section 8 should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.

How to use the Procedure.

We will always try to resolve problems as quickly as possible and to do this we would ask you to contact the Clerk who may be able to put things right there and then or at least look into the issue and come back to you. If you have tried this approach or don't feel that it is appropriate to contact the Clerk, you can contact the Chairman or ask for your complaint to be investigated formally. To do this you should put your complaint in writing.

Receipt of your complaint will be normally acknowledged within ten days and the Clerk with the relevant directorate will carry out a thorough investigation, they will report back to you normally within fifteen days although on some occasions the investigation may take a little longer.

Should you remain unhappy with the response which you receive you have the right to contact the Local Government Ombudsman at;

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone 0845 6021983 or 124 75821960
Website <http://www.lgo.org.uk/>
E-mail advice@lgo.org.uk

Complaints about elected Members Conduct

If you wish to complain about the conduct of an elected member of the County Council you must submit your complaint to;

Chair of the Assessment Sub-Committee
The Standards Committee
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF
Telephone 03456006400

The Assessment Sub-Committee can only deal with complaints about the behaviour of a member. It will not deal with complaints about things that are not covered by the members' Code of Conduct. If you make a complaint to the Assessment Sub-Committee it must be about why you think a member has not followed the Code of Conduct.

The Member's Code of Conduct is included in the County Council Constitution. (Northumberland Council Constitution. [The Constitution.](#))

Outcomes and remedies

There are several possible outcomes of our investigations into your complaint. If we do not find evidence of maladministration or service failure or if we find that the complaint is outside of our jurisdiction we will write to you and explain why, we will of course consider any comments that you may wish to make.

If we do find that our actions have been at fault there are a range of actions that we may take, these include, but are not restricted to the following;

- An apology
- Take immediate action that should have been taken earlier
- Reconsider a decision that had been taken earlier
- Improve procedures
- Compensation in respect of any financial loss

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