

# GREAT WALTHAM PARISH COUNCIL CODE OF PRACTICE FOR HANDLING COMPLAINTS

Review Date	Reviewer	Changes made
17 <sup>th</sup> August 2015		Adopted by Great Waltham Parish Council on 17 <sup>th</sup> August 2015.
18 <sup>th</sup> July 2016	Mike Steel	Correction of grammar, typos and formatting
8 <sup>th</sup> August 2017	Alex McDevitt	Addition of Vexatious complaints procedure. Correction of grammar, typos and formatting

## Introduction

1. Complaints about the proper officer of the Council (The Clerk) will be dealt with as an employment matter. The Complainant to be assured that the matter will be dealt with internally as such and appropriate action taken as required.
2. Complaints regarding the conduct of a member of the Council must be submitted to:  
  
The Monitoring Officer, Chelmsford City Council, Duke Street, Chelmsford, Essex CM1 1JE. If the complaint relates to the Code of Conduct the Complainant must state why he/she thinks the member of the Council has not followed the Code of Conduct.
3. This Code of Practice is therefore aimed at those situations concerning the Council's action or lack of action or the standard of a service, whether the action was taken or the service provided by the Council or a person or body acting on behalf of the Council. The Code of Practice is also appropriate for dealing with an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake. It is not appropriate for dealing with complaints against individuals, as the provisions above should cover such situations.
4. The Council views the adoption of this Code of Practice as an effective way of dealing with complaints received and a means of preserving the good reputation of the Council through a transparent process.
5. The Code of Practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the Complainant by the Clerk or the Chairman.
6. The Clerk would generally represent the position of the Council/Committee and also advise the Council/Committee. If the Clerk is putting forward the justification for the action or procedure complained of, he/she might have a conflict of interest and should, in such circumstances, not advise the Council/Committee.

7. At all times, the rule of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.
8. All written complaints should be sent to The Old Fire Station, South Street, Great Waltham, Chelmsford, Essex CM3 1DF.
9. Great Waltham Parish Council will usually handle a complaints through normal Council meetings if the matter cannot be resolved by less formal measures or explanations. If however, it was felt prudent to do so to provide a speedier solution, then a Committee may be established for a particular complaint.. Should a Complainant feel intimidated by facing the Full Council, then the Chairman or the Clerk should meet with three other Councillors. Their conclusions and recommendations should be presented at the next Council meeting.

### **Prior to Meeting**

1. If a complaint about procedures or administration is notified orally to a councillor or the Clerk and they cannot satisfy the Complainant fully forthwith, the Complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.
2. If the Complainant prefers not to put the complaint to the Clerk, he or she shall be advised to put it to the Chairman.
3. Upon receipt of a written complaint, the letter will be acknowledged swiftly and the Complainant advised when the matter will be considered by the Council.
4. On receipt of a written complaint the Clerk or Chairman, as the case may be, shall (except where the complaint is about his or her own actions) try to settle the complaint directly with the Complainant. If this is not possible, then they will advise the Complainant when the matter will be considered by the Council or by the Committee established for the purpose of hearing the complaint. 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 (if, for example, the complaint is to be heard by a Committee).
5. The Complainant will be asked at the outset to confirm if he/she wishes the complaint to be treated confidentially. Even if the Complainant waives their right to confidentially, the council will comply with its obligations under the Data Protection Act 1998 to safeguard against unlawful disclosure of personal data.
6. Where the Clerk or Chairman receives a written complaint about his or her own actions he or she shall forthwith refer the complaint to the council.
7. The Clerk or Chairman shall report to the next meeting of the council any written complaint disposed of by direct action with the Complainant.
8. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the council. The Clerk shall notify the Complainant as soon as possible of the date on which the complaint will be considered and invite him/her to attend the meeting and to bring with them a representative should they so wish.

9. The Complainant shall provide the Council with copies of any documentation or other evidence relied on at least seven clear working days prior to the meeting. 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 claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting:**

The order of business for the meeting is as follows:

1. The council shall 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 council meeting in public.
2. The Chairman will introduce everyone present.
3. The Chairman will explain the procedure.
4. The Complainant (or representative) will then outline the grounds for complaint
5. The Clerk, or other proper officer, then Members, in that order, may ask any questions of the Complainant.
6. The Clerk or other proper officer will explain the Council's position.
7. Members may ask any question of the Clerk or other proper officer.
8. The Clerk or other proper officer and Complainant, in that order, will be offered the opportunity to summarise their position.
9. The Clerk or other proper officer and Complainant will be asked to leave the room while Members decide whether or not the grounds for the complaint have been made (if a point of clarification is necessary, both parties will be invited back to the meeting).
10. The Clerk or other proper officer and Complainant will return to either hear the decision or be advised when a decision will be made.

### **After the Meeting**

1. The decision will be confirmed in writing to the Complainant together with details of any action to be taken within seven working days of the meeting.
2. The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

### **Vexatious Complaints**

1. Most complainants behave in legitimate ways. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than to genuinely resolve a grievance.

2. The Council recognizes that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are seeking to subvert the legitimate business of the Council. The Council acknowledges that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of each case rather than the way in which they are expressed.
3. It is not necessary to meet a complainant's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a complainant's legitimate queries from those that are unreasonable, often within the same complaint. Skill will be required to respond tactfully and sympathetically. If the complainant's persistence adversely affects the Council's ability to do its work and provide a service to others, the Parish Council needs to address such behaviour.
4. If any Councillor believes that a complaint is vexatious, as defined in the Code for Handling Vexatious Complaints, the matter will be raised with the Clerk and Chair. If the Clerk and Chair agree, the Clerk will collate the evidence and place it before the Council. The Council will resolve whether the complaint will be dealt through the Code of Practice for Handling Vexatious Complaints thereafter.