

# SUTTON-IN-CRAVEN PARISH COUNCIL

## COMPLAINTS PROCEDURE

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### Introduction:

The aim of this policy is to investigate complaints promptly in an impartial manner and find a solution which is satisfactory to both the complainant and the Council.

Parish Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. The Council will therefore do its utmost to settle complaints and satisfy complainants where possible in the interest of the good reputation of the Council.

Sutton-in-Craven Parish Council's complaints procedure does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour of an individual Councillor you must contact:

The Monitoring Officer  
Craven District Council  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ

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

Sutton-in-Craven Parish Council's code of conduct can be viewed on the website [www.suttonincraven.org.uk](http://www.suttonincraven.org.uk)

### Definition of a Complaint:

People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction by one or more members of the public about a service undertaken by the Council or any of its employees.

The following are excluded from this procedure:

Type of Conduct	Refer to
Criminal Activity	The Police
Member Conduct	The Monitoring Officer Craven District Council (The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012)
Employee Conduct	Internal disciplinary procedure.

Complaints concerning a member of staff should be made in writing to the Clerk. If the complaint concerns the Clerk the complaint should be made in writing to the Chairman of the Council.

The Council will not, under any circumstances, enter in to any correspondence or discussion with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

The procedure will be adopted for dealing complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council or relevant committee as appropriate, for consideration.

The Council receives queries, problems and comments as part of its day to day running and it is not appropriate for every comment to be treated as a formal complaint. Every effort will be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.

**The complaints procedure will not apply to complaints made anonymously.**

## **HOW TO COMPLAIN**

### **Informal Complaints:**

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. You should give your name, address, relevant dates and as much information as possible to help us deal with the complaint.

If a complaint is made to a Councillor it is their duty to notify the Clerk or the Chairman of the Council.

Once we receive your complaint, we will acknowledge receipt. We will make a written record, noting your name and contact details, and the nature of the complaint.

We will then investigate, obtaining further information as necessary from you, staff, or councillors.

Within twenty working days we will send you a written reply, or let you know if our reply will take longer, explaining the reason for the delay.

If we do not hear from you within ten working days of our reply, we will close the complaint.

### **Formal Complaints:**

The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate for consideration.

If a complaint about procedures or administration is notified orally to the Clerk or Councillor, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

The complainant will be asked to put their complaint in writing to the Clerk of the Council. If the complainant does not wish to put the complaint to the clerk (because the matter relates to the clerk) they should be advised to address it to the Chairman of the Council.

The letter should contain the following information

- Name, address and telephone number of complainant
- Details of the complaint about the Council's procedures or administration
- How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes will resolve the complaint?

The Clerk will acknowledge the receipt of the complaint and will advise when the matter will be considered by the Council. The complainant will be given the opportunity to explain the complaint to the Council orally if he or she so wishes.

The Council shall consider whether the circumstances of the meeting warrant the matter being discussed in the absence of the press and public. Any decision on a complaint shall be announced at the Council meeting in public.

The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such payment.

As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and action to be taken.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

## Code of Practice for Dealing with Unreasonable and Persistent Complaints

The Council, its Councillor's, employees and personnel work closely with members of the public. In doing this we are often approached by a range of people for a variety of reasons

We aim to provide an excellent level of service to everyone who contacts us.

Everybody is entitled to be treated respectfully, courteously and in a polite manner.

When dealing with people we will not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work we do.

From time to time the Parish Council receives complaints from members of the public. Some complaints are received by telephone, e-mail, or in writing. In order to deal with complaints effectively the Parish Council has a Complaints Policy.

The Parish Council's policy for dealing with unreasonable and persistent complainants will become operative if the complainant is deemed to be unreasonably persistent either by written or oral communication or excessive visits to the clerk's office; a complainant begins to make frequent contact with the Parish Clerk's Office and hinders the normal day to day running of the Parish Council as such complaints can be time consuming and could lead to unnecessary additional cost to the council tax payer or impact on the well-being of the staff member.

The policy sets out actions that the Council can take when dealing with either unreasonably persistent contact or unacceptable behaviour from people.

No action under this procedure will ever allow a potentially serious issue affecting public safety to go un-investigated.

### **What is unreasonably Persistent?**

Unreasonably persistent people are those who, because of the frequency or nature of their contacts with us, can hinder our work. Those who are unreasonably persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or may be intent on pursuing complaints/issues which appear to have no substance or which have already been investigated and determined.

In dealing with people, we recognise that our resources including staff time have to be used where they can provide the most value. This might mean that we cannot respond to every complaint/issue in the way a person would like. Examples of the types of actions/behaviour which may cause this policy to be used are noted below. These are not exhaustive but could include one or more of the following:

- Adopting a 'scattergun' approach: pursuing a complaint or other issue with us and, at the same time, with other people or bodies such as the Principal Authority, Member of Parliament, local Police or Solicitor.
- Making unnecessarily excessive demand on the time and resources of. Staff whilst a complaint/issue is being looked into, by for example, excessive telephoning or sending numerous emails, or Councillors writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeated complaints, after the complaints process have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints worthy of being put through the full complaints procedure.
- Refusing to accept the decision on a complaint/issue – repeatedly arguing the point and complaining about the decision.
- Refusing to accept that issues are not within our remit despite have been provided with information about our scope.
- Insisting on the complaint/issue being dealt with in ways which are incompatible with standard procedure or with good practice.

### **What is unacceptable Behaviour:**

We expect our staff to be treated with courtesy and respect.

We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to distinguish between stress, frustration, forcefulness and determination and behaviour which are unacceptable.

Unacceptable behaviour is defined as: behaviour or language (whether oral or written) that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

### **How Do We Deal with This Behaviour?**

For face to Face and telephone contact:

- If unacceptable behaviour occurs, the staff member, or Councillor should explain to the individual why their behaviour is unacceptable. The member of staff should then give the individual the opportunity to stop the unacceptable behaviour and

explain that if they carry on it will result in the conversation being ended. If the behaviour continues, the member of staff should tell the individual politely they are ending the conversation.

- Once the conversation has ended a note should be made of the conversation with a clear description of the unacceptable behaviour that was demonstrated by the member of the public.
- This note should be saved to the complaints folder. Please be aware when writing the note, that this information would be disclosable under the Data Protection Act 1988.
- Even at any point you have concerns for your personal safety, you should summon support from a councillor and/or police.

The procedure for dealing with unreasonable and persistent complainants will be implemented.

## **EXTREME BEHAVIOUR**

In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of our staff. In such circumstances, the Parish Clerk, may without warning to the person, refer the case to the Police or instigate civil proceedings.

### **Procedure Dealing with Unreasonable and Persistent Complainants**

1. A vexatious complainant will be notified that the Council's Policy for dealing with unreasonable and persistent complaints is to be enforced, together with the reason why.
2. The complainant will then be asked to adopt one or all of the following procedures:
  - Restricting contact to one method
  - Request contact with the Parish Council in a particular form (for example, letters only);
  - Request contact to take place with a named officer or councillor;
  - Restrict telephone calls to specified days and times;
  - Accepting contact through a third party only;
  - Only acknowledging or filing correspondence unless new information is presented;
  - Refusal to accept further telephone calls; or
  - Restricting the issues, we will correspond on
  - And/or be asked to enter into an agreement about future contact with the Parish Council.
3. Any action taken will be reasonable, proportionate and balance the interests of the member of the person with duty to protect health, safety and well-being of our staff.
4. The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.
5. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.
6. The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required.
7. If deemed to be a fair challenge the Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.
8. If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication.
9. The case will only be re-visited if the complainant can provide fresh evidence that may affect the Council's previous decision concerning the original complaint.
10. If the Council feels that re-opening the complaint cannot be justified the complainant will be notified in writing that the case has been closed and there will be no further communication.
11. New complaints received from complainants previously deemed to be unreasonable and or vexatious will be treated on their merits.
12. Complaints will be kept on file for no more than six years.

