

COMPLAINTS PROCEDURES

Adopted at Annual Meeting on 24th May 2021

(Minute 25/21/22)

The following procedures will be adopted for dealing with complaints made about the Council's administration or its procedures, or against a member of Council's staff. Complaints made against councillors will be dealt with under the Council's Code of Conduct for members*.

The Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. Therefore, in the absence of a statutory mechanism, the Council's own procedures as set out here are the only way in which a complaint can be made and resolved.

These procedures DO NOT cover

- **Complaints about a policy decision made by the Council.** Such a complaint will be referred to the Council or relevant committee, as appropriate, for consideration.
- **Complaints about a member of the Parish Council** in respect of an alleged failure to comply with the Council's Code of Conduct for members. A complainant will be advised to contact the Monitoring Officer at Cheltenham Borough Council.
- **Any complaint made anonymously.** Any such complaint will be recorded but will not be acted on in isolation.
- **Complaints in respect of financial maladministration.** A complainant will be advised to contact the Council's auditors.
- **Alleged criminal activities.** Any allegation of criminal activity should be made to the police.

Complaints made about the Council's administration or procedures

Informal procedure for minor complaints

- Complaints about the Council's administration or procedures, however made, should preferably be directed through the Council's office and not through individual councillors, as they are not able to resolve complaints. If, for whatever reason, a complainant preferred not to put their complaint to the Clerk, they should be advised to write to the chair of Council.
- If a complaint is notified orally to a councillor, or to the Clerk, a written record will be made, noting the name and contact details of the complainant and the nature of the complaint.
- It is hoped that most complaints will be resolved quickly and amicably through the good offices of the Clerk to the Council. A complaint resolved in this way, by direct action with the complainant, will be reported to the next meeting of the Council.
- However, if this informal approach does not resolve the matter, or if the initial complaint is of a more serious nature, it will be considered more formally.

Formal procedure for more serious complaints

- The complainant will be asked to put the complaint in writing, addressed to the Clerk at the Council's offices. The Clerk, as Proper Officer, will manage the process. The complaint will be acknowledged within five working days. Unwillingness to put the complaint in writing will not necessarily mean that the complaint cannot be investigated but there is less room for confusion if a complaint is made in the complainant's own

words. The complaint should cover as much detail as possible and attach any relevant supporting documentation.

- The Clerk will carry out an initial investigation into the complaint, taking guidance from the Chair of Council and will, within ten working days, provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is closed and the Clerk will report summary details of the complaint and a brief summary of its resolution to the Council, at its next meeting.
- If the complaint still cannot be resolved or the complainant is not satisfied with the proposed resolution, then the matter will be referred to the next Council meeting.
- The Clerk will notify the complainant of the date on which the complaint will be considered by the Council and the complainant will be offered an opportunity to explain the complaint to the Council orally. A complaint will be heard at the next, or subsequent, monthly meeting of Council. However, the Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. Such advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.
- The Council may consider whether the circumstances of a complaint warrant the matter being discussed in the absence of the press and public; but the decision on a complaint will be announced, at the Council meeting, in public.
- The Council may consider, in the circumstances of any complaint, whether to make a without-liability payment or provide other reasonable benefit to any person who has suffered loss as a result of maladministration by the Council. Any payment may only be authorised by the Council after obtaining legal/insurer's advice and advice from the Council's auditor on the propriety of such a payment.
- As soon as possible after the decision has been made, but in any event not later than 10 days after the meeting at which it was considered, the complainant will be notified, in writing, of the decision and any action to be taken.

Complaints against the Clerk or other member of the Council's staff.

- Any complaint in relation to a member of Council's staff will be accepted only if it is made in writing. The complaint should give as much detail as possible and attach any relevant supporting documentation.
- Where the Clerk, or a councillor, receives a written complaint about the actions of a member of staff, the complaint will be referred to the chair of Council and acknowledged within five working days. The member of staff concerned will be advised formally that a complaint has been made against them.
- On receipt of the written complaint, the chair of Council will carry out an initial investigation. This will not be done without giving the person complained about an opportunity to comment. The chair of Council will, within ten working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is closed. The chair of Council will report summary details of the complaint and a brief summary of its resolution, to the Council at its next meeting.
- If the chair of Council is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to the next Council meeting.
- The Clerk will notify the complainant of the date on which the complaint will be considered by the Council and the complainant will be offered an opportunity to explain the complaint to the Council orally. A complaint will be heard at the next, or subsequent, monthly meeting of Council. However, the Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. Such advice will be considered, and the complaint dealt with, at the next meeting after the advice has been received.

- The Council may need to consider whether the circumstances of a complaint that involves individually identified members of staff warrant the matter being discussed in the absence of the press and public.
- At the meeting at which the complaint is heard, the chair of Council will introduce everyone and explain the procedure to be used. The meeting will be as informal and friendly as possible without prejudicing the need to consider properly the matter under discussion.
- The complainant (or their representative) will be invited to outline the grounds for complaint and councillors given the opportunity to ask any question of the complainant.
- If relevant, the chair of Council will explain the Council's position and councillors given the opportunity to ask any questions of the member of staff concerned, who may choose to be accompanied by a Trades Union representative or another person.
- The complainant will be offered the opportunity of a last word, as a means of summing up their position.
- The member of staff will be offered the opportunity of a last word, as a means of summing up their position.
- Both parties will be asked to leave the room while councillors decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. Both parties will return to hear the decision or to be advised when the decision will be made.
- The decision will be confirmed to both parties, in writing, within seven working days, together with details of any action to be taken.
- The announcement of any decision will be made, in public, at the next Council meeting.

Action	against	Council	Staff
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 circumstance enter into any correspondence or discussion.			

Vexatious complaints

This section defines situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

A complainant may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria, where complainants:

- persist in pursuing a complaint where the Parish Council's Complaints Procedures have been fully and properly implemented and exhausted;
- persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed;
- are repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Parish Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate;
- regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point;
- have, during addressing a registered complaint, had an excessive number of contacts with the Parish Council – placing unreasonable demands on staff or Councillors. For the purposes of determining an excessive number, a

contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.

- have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or Councillors dealing with the complaint.

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chair will as appropriate take one or more of the following courses of action:

- The complainant will be notified in writing why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
- The complainant will be notified, in writing, that the Parish Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose.
- The complainant will also be notified that the correspondence is at an end, advising them that they are being treated as a persistent or vexatious complainant and as such the Parish Council does not intend to engage in further correspondence dealing with the complaint.
- The Council may decline further contact with the complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.
- The complainant will be informed that the Parish Council may seek legal advice on unreasonable or vexatious complaints.
- The Parish Council may suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.
- The Clerk and the Chair of the Parish Council may invite the complainant to meet with them to discuss the matter if it is considered that there may be a way to resolve the issue.
- The complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further.
- The Parish Council will be notified at its next meeting of any complaint that has been determined to be vexatious or habitual
- If a complainant has verbally threatened or used physical violence towards staff or Councillors at any time, this will cause personal contact with the complainant or their representatives to be discontinued immediately and the complaint will thereafter only be addressed through written communication. All such instances will be documented and may be the subject of a report to the police.

Withdrawing Habitual or Vexatious Status

Once a complainant has been determined to be habitual and/or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.