

**WEST HILL PARISH COUNCIL**

**COMPLAINTS POLICY**

**DRAFT**

**Adopted at WHPC Meeting 4<sup>th</sup> May 2021**

**Background**

West Hill Parish Council values feedback from residents and views this as an opportunity to improve our services and focus better on the needs of our community. We try to deal fairly and promptly with enquiries, but recognise that sometimes residents may feel dissatisfied with our decisions or actions. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this complaints policy sets out how you may complain to the Parish Council and how we shall try to resolve your complaint.

**What is a complaint?**

The Local Government Ombudsman defines a complaint as “An expression of dissatisfaction ...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.”

A complaint may also arise from an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.

**Types of complaint not covered by this policy**

Certain types of complaint are the responsibility of external bodies or are dealt with by other policies and therefore are not covered by this complaints policy. These are:

- Alleged financial irregularity (This is dealt with by the Parish Council's auditors);
- Alleged criminal activity (This is a matter for the police);
- Members' conduct alleged to breach the Code of Conduct adopted by the Parish Council (Further information on the process of dealing with complaints against Councillors may be obtained from The Monitoring Officer, Legal and Democratic Services, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ);
- Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures;
- Complaints by an employee about the workplace. These should be raised in accordance with the internal grievance procedure;
- Complaints about services provided by Devon County Council or East Devon District Council. These should be raised with the respective bodies in accordance with their complaints procedures;
- Complaints about democratic decisions taken by the Parish Council decided by a vote.

## Who is this Complaints Policy for?

Residents who live in or near the Parish Council's area and who are affected by our decisions, whether as individuals or organisations.

## What to do if you have a complaint

### Talk to us

It is generally in the interests of the complainant and the Parish Council to try to resolve the matter informally through the normal channels of communication, rather than deferring to the formal complaints procedure. This is likely to be faster and less likely to tie up resources better spent on looking after the parish. If you have a complaint, please contact the Clerk who will log it and assess what needs to be done. If your complaint is about the Clerk, it will be dealt with by the Chairman. Whether your complaint is resolved informally or formally, we will endeavour to put right whatever has gone wrong and try to learn from the experience so that our service improves. We will investigate what additional remedies, if any, may be appropriate.

The Clerk can be reached by phone, mail or email:

Landline: 01404 232100

Mobile: 07413 932406

Email: [clerk@westhillparishcouncil.gov.uk](mailto:clerk@westhillparishcouncil.gov.uk)

Address: Clerk to the Council, Gorsecroft, West Hill Road, West Hill EX11 1TU

Residents are also encouraged to attend the Parish Council meetings at the Village Hall, Beech Park, where they can use the public session at the beginning to speak to Councillors about their concerns, whether related to the agenda or not. Meetings are held on the first Tuesday of each month and, less frequently, the third Tuesday, and the agenda is published on our website and noticeboards. Residents can also request a printed copy from the Clerk.

Concerns raised at the public sessions for issues not on the current agenda will be put on the agenda for consideration at the next meeting.

*Please note that our Standing Orders prevent the Parish Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the process set out in the Standing Orders is followed.*

## Formal complaints procedure

If your complaint has not been resolved to your satisfaction using an informal approach, our formal complaints procedure is set out below.

### 1. Put your complaint in writing

Email is acceptable and speedy. If you do not have access to email you are welcome to write. Correspondence should be sent to the Clerk, Anne Oliver [clerk@westhillparishcouncil.gov.uk](mailto:clerk@westhillparishcouncil.gov.uk), or Gorsecroft, West Hill Road, West Hill EX11 1TU. If your complaint is about the Clerk, please use the same contact details but mark it **For The Attention of The Chairman**.

### 2. What information should you include?

- Details of your complaint, including relevant events, dates, names of relevant Members, staff or contractors of the Council;

- Your contact details;
- Whether you waive your right to confidentiality (if you say nothing, we will assume you are NOT waiving this).

### **3. What will the Parish Council do?**

On receipt of your complaint, we will respond in writing within 3 working days to acknowledge receipt and explain the next steps. Where possible we will use email as the fastest method, unless you state an alternative postal preference (please note that this may cause some delay). We may write or phone you if we need clarification on any points.

Under Data Protection regulations, your complaint is confidential unless you have told us you are waiving your right to confidentiality. We will not reveal your personal details regarding the complaint to anyone outside the Parish Council without your permission. We are permitted to share the information among Councillors to enable us to process the complaint.

The complaint will be handled by the Clerk, Chairman and one other Councillor who will investigate and communicate their findings to you within 25 working days, or tell you the reason for any delay. The result will be reported at the next Parish Council meeting.

#### **If your complaint is upheld**

We will endeavour to put right whatever has gone wrong and try to learn from the experience so that our service improves. We will investigate what additional remedies, if any, may be appropriate.

Complaints will be kept on file for no more than five years.

### **Unreasonable and persistent complainants and vexatious complainants**

#### **What is a 'vexatious' complainant?**

A vexatious complainant is a person who complains about issues, either formally or informally, on a frequent basis or frequently raises issues which the complainant considers to be within the remit of the Parish Council, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- Uses Freedom of Information requests excessively and unreasonably;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with a particular Councillor or employee on all occasions irrespective of the issue;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Parish Council.

Harassment is the unreasonable pursuit of such actions above in such a way that they:

- Appear to be targeted over a significant period of time towards one or more Councillor(s) or employee(s);
- Cause ongoing distress to individual Councillor(s) or employee(s);
- Have a significant adverse effect on the whole/parts of the organisation;
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### **Procedure for dealing with vexatious complaints or harassment**

In the first instance the Parish Council will inform the complainant verbally and in writing that their behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. If the behaviour is not modified the Parish Council will take some or all the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the staff/community:

- Inform the complainant that all contact with a Councillor or employee will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties;
- Inform the complainant that, except in emergencies, all routine communication with the Parish Council should be by email only;
- Establish a specific procedure for dealing with the complainant, i.e. only with a delegated person to be identified, who will investigate, determine whether the concern / complaint is reasonable or vexatious and then advise the Parish Council accordingly;
- In the case of physical or verbal aggression at Parish Council meetings, the meeting will be suspended and the complainant asked to leave.

The Parish Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with. 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. The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required. However, if deemed to be a fair challenge the Parish Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.

If a complainant persists in communicating with the Parish Council once their case has been closed, the Council reserves the right to terminate all further communication. 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. 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.

New complaints received from complainants previously deemed to be unreasonable and or vexatious will be considered on their merits.