

Sedlescombe Parish Council Complaints Procedure

Introduction:

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration.

Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England. The Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. The Council receives queries, problems and comments as part of its day-today business and these should not all be regarded as complaints.

Sedlescombe Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

Sedlescombe Parish Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community of Sedlescombe. The Council always welcomes feedback from the public.

Sedlescombe Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to investigate all complaints promptly in an impartial manner and to find a solution which is satisfactory to both the complainant and the Parish Council.

Complaints about an employee of the Parish Council will be dealt with as an employment matter in accordance with employment law. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as necessary. This will remain confidential all times.

Sedlescombe Parish Councils complaints procedure does not cover complaints against an individual Councillor's behaviour. If you wish to make a complaint about the behaviour of an individual Councillor you must contact:

The Monitoring Officer
Rother District Council
Town Hall
London Road
Bexhill on Sea
TN39 3JX

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 Councillors failure to follow the Code of Conduct.

Definition of 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 provided by the Council itself or a person or body acting on behalf of the Council.

When a complaint is made against a local council, member(s) of the council or staff are likely to be

mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.

Such Complaints may include:

- A failure to provide a service at the level or standard expected
- The standard of behaviour of a person delivering a service for or on behalf of the Parish Council
- The failure by the Parish Council's to operate within its statutory powers, agreed policies and procedures in the management of the Parish Councils affairs.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint. Informal complaints are handled by the Clerk. If complaints are made to the Council either in person, by telephone, letter or email the Clerk, she will try to resolve the complaint informally in a timely manner. It is hoped that most complaints can be resolved quickly and amicably through this route. In the event that the informal process does not satisfy a member of the public, Sedlescombe Parish Council has a formal complaints procedure that should be followed.

Formal Complaints.

Sedlescombe Parish Council will handle complaints in full council or nominate councillors who are not involved in the particular case. A minimum of three councillors will be nominated.

The clerk will normally represent the council through proceedings but there may be circumstances where a nominated Councillor will act instead.

Complaints must always be directed through the council office, The Red House, Lower Street, Ninfield, Battle, TN33 9ED, to the clerk, or by email clerk@sedlescombepc.org.uk not through individual Councillors. A Complainant may advise a Councillor of the details of the complaint, but individual Councillors are not authorised to resolve complaints. If the complainant does not wish to put the complaint to the Clerk, he or she should address it to the Chairman of the Council C/O the council office or by email cldr.vine-hall@sedlescombe.org.uk

The clerk/chairman of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days.

In certain circumstances procedures bodies other than the Sedlescombe Parish Council may be appropriate in respect of the types of complaint as detailed in Appendix 1. The Complainant will be informed of which category the complaint falls under and the action required.

Confidentiality

Initially the identity of a complainant will only be made known to those who need to consider a complaint. The complainant will be advised whether the complaint will remain confidential or whether notice of it will be given in the usual way. Care will be taken to maintain confidentiality where circumstances demand, e.g. where matters concern financial or sensitive information or where third parties are concerned.

The letter should contain the following information:

- Name, address and telephone number of the complainant
- Details of the complaint against 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

Should the Parish Council consider a conflict of interest exists due to the nature of the complaint, the Parish Council will reserve the right to appoint an independent person as

recommended by East Sussex Association of Local Councils or similar suitable body to undertake an investigation on behalf of the Parish Council. The findings of such an investigation will be referred to the clerk to consider and present to the Committee.

A mutually convenient date for a Complaints Hearing will be scheduled within 28 days.

- The Clerk will issue an agenda for the complaints formal hearing not less than 3 days before the formal hearing of the Committee.
- The Clerk will invite the complainant to bring with him/her a representative who may speak on his/her behalf.
- Any documentation not already supplied must be sent to the Clerk seven clear days before the meeting.
- If either party provides details, documentation or evidence less than seven days before the meeting, the Chairman of the Committee will decide whether to admit it.

At the meeting the committee will consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

- The Chairman of the Committee will introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and then (ii) members of the Committee.
- The Clerk will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members of the Committee.

The Clerk and then the complainant should be offered the opportunity to summarise their position.

The committee will then consider the complaint in private for a maximum of 30 minutes. The committee can re-open the meeting if clarification of points is needed from either party, but both parties must be invited back to the meeting.

The Chairman of the committee may adjourn the meeting if needed in order that specialist advice may be sought.

The Chairman of the committee will ask all parties to re-join the meeting to inform them of the committee's recommendation.

If a recommendation cannot be reached at the meeting, the Chairman of the committee will advise when the recommendation will be made and communicated to the complainant.

After the Meeting

Any recommendation on a complaint will be ratified and announced at the next meeting of the Full Council in public ensuring that agreed confidential issues are appropriately respected. Within seven days of the Council accepting the recommendation of the Committee, the Clerk will put the decision in writing to the complainant. If a complaint cannot be settled by the Council it cannot refer the complaint to any other body for settlement.

Right of Appeal

The Committee's decision is final.

If the complaint was not handled correctly by the council then it must be referred back to the committee for consideration following the correct procedures.

Repeated or Vexatious Complaints

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that is unacceptable. Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable, or which has the effect of intimidating or harassing an employee or any councillor.

A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.

The possibility of there being an unreasonably persistent and/or vexacious complaint will 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.

The Chairman or Vice Chairman will contact the complainant in an effort to resolve the situation. 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 will give appropriate support to the complainant in choosing a representative.

The Chairman /Vice Chairman/nominated councillor must

- Listen to the grievance/complaint
- Assure the complainant of confidentiality with personal issues.
- 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 the 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 assurance that the persistent/unreasonable nature of the complaint will be addressed.
- The outcome and relevant details of the meeting should be noted.

If the complainant continues to behave in an unreasonable and/or vexacious way the Chairman /Vice Chairman/nominated councillor should seek the approval of the rest of the council to follow the policy and agree what action(s) to take.

A complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council giving the reason and scope. This will be confirmed in writing to the complainant by the clerk along with information as to what further actions the complainant may take with other bodies including their right to take independent advice.

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.

The clerk must notify all councillors and members of staff as appropriate.

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

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

Occasionally it might be necessary to notify the council's insurers of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss (e.g. in respect of libel) or where the council is at risk of being held liable in law to pay damages or to provide another legal remedy. It is

important that the council takes instruction from its insurers as to how to respond to the complaint. A council's insurance policy is likely to include cover for the council's legal expenses in defending a legal claim or the threat of a legal claim against a council (and any related formal complaint against the council). The failure of a council to notify its insurers as soon as a legal claim is threatened or made may invalidate its insurance policy. Often, the legal expenses insurance cover for councils does not apply to all types of legal claims. For example, most legal expenses insurance policies do not provide legal expenses cover for the defence of a judicial review claim.

If a formal complaint about a council threatens legal action, and the council does not have insurance cover to defend allegations which may subsequently give rise to a legal claim, it is recommended to seek professional legal advice as to how to respond to the complaint and any remedies offered.

Appendix 1

Complaint Categories

Complaints outside this Code.

The complaints in the table below are excluded from this code.

A	Financial Irregularity	<p>Local elector's statutory right to object to a Parish Council's audit of accounts pursuant to the Local Audit & Accountability Act 2014 S.27(1)</p> <p>On other matters, Parish Councils may need to consult their Internal Auditor / Audit Commission</p>
B	Criminal activity	<p>The Clerk should refer the Complainant to the Police.</p>
C	Member conduct	<p>If anyone wishes to make a complaint about the behaviour of an individual Councillor, they must write to the Monitoring Officer: Rother District Council, Town Hall, London Road, Bexhill, TN39 3JX</p> <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillor's Code of Conduct, complaints that are about people employed by the Parish Council, incidents that happened before a member was elected or chose to serve on the Parish Council.</p>
D	Employee conduct	<p>As an internal disciplinary matter, this should be dealt with under the parish council's disciplinary procedure. A complaint against a member of the parish council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the parish council's employment. The parish council, will not under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally against any member of staff. This is expressly to protect the employment rights to which all employees of the Parish Council are entitled.</p>

The complaints procedure will not apply to complaints made anonymously.

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1	18 th October 2022	October 2023