

Docking Parish Council

Complaints Procedure

1. Introduction

This procedure applies to complaints against Docking Parish Council (the Council). For this purpose, a complaint is any formal and serious expression of dissatisfaction about the Council's action (or lack of action) or about a standard of service. This procedure is available to individuals, businesses, charities or unincorporated associations (such as voluntary groups) who are affected by the matter giving rise to the complaint.

Any complaint against the Council is treated as a complaint against the corporate body not as a complaint against individual employees or members of the Council.

This procedure covers both routine complaints and those which are habitual or vexatious. Habitual or vexatious complaints are those which are either unreasonable in terms of their subject-matter or outcome sought or repeatedly or obsessively pursued. Examples of habitual or vexatious complaints are set out in Appendix One.

The Council will endeavour to deal with all complaints to which this procedure applies in an efficient, equitable and effective manner.

The procedure does not apply to certain matters: financial irregularity is handled by the internal auditor in the first instance; criminal activity is investigated by the Police; personal misconduct by a member of the Council or the Clerk is investigated by the standards committee of the relevant principal authority (in this case, the West Norfolk and King's Lynn Borough Council) and Council employee conduct is under the Council's own internal disciplinary procedure.

2. Preliminary Procedure

- 2.1 Any complaint must be submitted in writing to the Clerk or the Chair of the Council. Assistance can be given if necessary. The complaint will be acknowledged within 7 working days. If the complainant has not already done so, the complainant will be asked to confirm that they wish the complaint to be dealt with under this procedure.
- 2.2 The Council will either hear the complaint at the next full meeting of the Council (subject to the appropriate notice) or nominate three councillors to hear it. If the complaint is heard by the full Council, then two nominated councillors should not take part in the proceedings. They will remain available to handle any appeal. If the complaint is heard by three councillors, two further councillors will be nominated to deal with any appeal.
- 2.3 The Clerk will represent the Council through the formal proceedings and correspondence.
- 2.4 The Clerk will endeavour to agree with the complainant what personal details may be held in confidence, subject to the requirement for the complaint to be fairly investigated and heard in accordance with this procedure.

2.4 The complainant will be advised by the Clerk when and by whom the matter is to be considered. A copy of this procedure shall be given to the complainant.

2.5 Not later than 7 working days prior to the meeting, the complainant and the Clerk will exchange copies of any evidence or documentation to be relied upon.

3. Hearing the Complaint

3.1 The chair of the meeting will introduce everyone and explain the procedure. The complainant shall be entitled to be represented by an individual but not by a paid legal adviser.

3.2 The complainant (or their representative) should outline the grounds for the complaint. Questions may then be raised by the Clerk or councillors present.

3.3 The Clerk will explain the Council's position. Questions may then be raised by the complainant (or their representative) or councillors.

3.4 The complainant (or their representative) and Clerk should then summarise their respective positions. They will leave the meeting while councillors decide whether or not grounds for complaint have been made.

3.5 If a decision cannot be finalised on that day, a date will be given by which the decision will be made.

4. After The Meeting

4.1 The decision will be confirmed to the complainant in writing within 7 working days (subject to 3.5 above) together with the details of any action to be taken and details of the appeal process.

4.2 The result of the proceedings will be reported at the next full Council meeting after the appeal period has passed.

5. Appeals

5.1 The complainant may no later than 14 days after receipt of the result of the proceedings under 4.1 notify the Clerk in writing of an appeal against the decision. An appeal may only be made if the complainant reasonably believes that the complaint was not dealt with fairly or in accordance with this procedure. The complainant shall set out the grounds for the appeal in the notice given to the Clerk.

5.2 The two councillors nominated to deal with the appeal shall, within 21 days of receipt of the notice of appeal by the Clerk, examine the way the complaint was dealt with.

5.3 If the two nominated councillors believe that the complaint was handled correctly then the appeal has not been successful. If the complaint was not handled correctly then it must be referred back for consideration as at (3) above.

5.4 The appellant shall be notified of the result of the appeal (and, if appropriate, of any fresh hearing of the complaint) within 14 days of the decision by the two nominated councillors.

6. Habitual and Vexatious Complaints

6.1 A complaint which appears to be habitual or vexatious shall be brought to the attention of the Chair or Vice Chair of the Council to ensure the complaint has been dealt with according to this procedure.

6.2 The Chair or Vice Chair will contact the complainant in order to try to resolve the situation. This may include:

- clarifying the reasons for an outcome
- offering support for a complainant with special needs
- suggesting an independent representative (but not a paid legal adviser) to help present their case.

6.3 If it is agreed to hold a meeting to discuss the matter, the complainant may nominate another councillor to attend the meeting who will be made aware of all the facts. A complainant shall be entitled to bring their representative (but not a paid legal adviser).

6.4 In dealing with complainant the Chair/Vice Chair shall endeavour to:

- Listen to the complaint
- Respect the confidentiality of personal details of the complainant
- Explain what action the Council has taken within its remit to resolve the complaint
- Offer any relevant support about the procedure to the complainant
- Suggest complaint routes if the complaint its outside the Council's remit
- Explain how the complainant's actions are of concern and/or hampering the complaints procedure
- Explain what actions the Council may take if the persistent or vexatious complaints continue
- Seek an assurance that the persistent/unreasonable actions will cease.

6.5 The outcome of any discussion and/or meeting will be noted and advised to the complainant in writing within 7 working days.

6.6 If the complainant continues to pursue vexatious or habitual complaints; the Chair or Vice Chair may seek approval from the full Council to decide that the complaints are vexatious and/or habitual and to agree what actions to take (see examples in Appendix Two). Any action taken by the Council will be proportionate to the degree of annoyance/aggravation caused.

6.7 Following approval of the action by the Council the complainant will be advised by a letter from the Clerk:

- That the complaints have been judged to be a vexatious and/or habitual and why that decision has been reached
- What action will be taken by the Council
- The duration of that action and when it will be reviewed
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- The steps that the complainant may take with other bodies in relation to the complaint

6.8 The Council will record the decision in its minutes and hold all relevant correspondence in its files. Any personal details about the complaint will be stored appropriately in line with GDPR.

6.9 Any new complaint from any person who has come under the habitual or vexatious complaints procedure will be treated on its merit.

6.10 Any decision taken at 6.6 will be reviewed every 6 months or, in the case of persistent behaviour, every 12 months. The complainant will be notified if any decision is reversed.

Appendix One

A persistent or vexatious complaint may be one in which the complainant:

- Has insufficient grounds for the complaint and may be making the complaint to annoy, embarrass or to waste time
- Refuses to specify the grounds for a complaint despite assistance
- Refuses to co-operate with the complaints process
- Refuses to accept the issues are not within the remit of the complaint's procedure or within the power of the Council to investigate
- Refuses to accept the outcome of the complaints process
- Insists on the procedure being dealt with in ways that are not in line with good practice
- Makes an unreasonable number of contacts in relation to a complaint
- Harasses, verbally abuses, or seeks to intimidate staff or Councillors
- Repeatedly introduces new information whilst the complaint is being investigated and expects this to be considered
- Denies statements made at an earlier stage
- Makes the same complaint repeatedly, after the complaint's procedure has concluded
- Persists in seeking an outcome which is unrealistic for legal, policy or other valid reasons

Appendix Two

Restrictions will be tailored to deal with individual circumstances and may include:

- Requiring the complainant to make telephone contact only through a third party
- Requiring the complainant to make contact only by letter or email
- Requiring the complainant to send e-mails only to a specific nominated individual
- Restricting telephone calls to specified times and/or of limited duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Advising the complainant that the Council will not respond to any further contact from them on the specified complaint

Adopted: November 2021