

2023

# CHESWARDINE PARISH COUNCIL COMPLAINTS PROCEDURE

REVIEWED

17/10/2023

## COMPLAINTS PROCEDURE

This Complaints Procedure was first adopted by the Council at the Meeting held on 15th October 2019. [PC meeting 479 8\(c\)](#)

The following procedure has been adopted in order to deal with any complaints regarding Cheswardine Parish Council, giving the public confidence that their concerns will be taken into account fully and effectively. It is expected that by adhering to this open procedure, the Council's reputation will be maintained.

### **Aim of the Complaints Procedure:**

- I. To ensure that all complaints from members of the public are managed swiftly and courteously in a transparent and impartial manner.
- II. To ensure that processes are reviewed to prevent issues from reoccurring.
- III. To improve the Council's services.

### **This Procedure does not apply to:**

- Complaints about the conduct of an individual councillor, etc.
- Complaints by an employee of the Council about the Council's actions as an employer

### **What is a complaint?**

- This document explains what to do if you feel that you are dissatisfied with the standard of service provided by the Council or its staff.
- Complaints about a Parish Council member's behaviour are not covered by this procedure.
- All councillors agree to undertake and to observe the Code of Conduct adopted by the Parish Council.
- A full copy of the Code of Conduct is available on the Parish Council's website at [www.Cheswardineparishcouncil.org.uk](http://www.Cheswardineparishcouncil.org.uk)
- If a complainant feels a councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to the Monitoring Officer, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

What if you have a complaint? The first priority is to raise the issue with the Parish Council.

The complainant will be asked to put the complaint in writing (letter/e-mail) to the Clerk (contact details below) giving names and addresses and relevant dates with as much information as possible. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example), they should be recommended to write to the Chairman of the Council. The complainant will be asked at the outset to confirm if they want the complaint to be treated confidentially

Any complainant should say:

- What you are complaining about.
- As much information as possible about your complaint, including dates, events, and suggestions for what the Parish Council should do to resolve the situation.

### **The next step**

The clerk will log all complaints and acknowledge them in writing, normally within 5 working days. However, due to the Council only having one employee, the Clerk, some acknowledgements may take longer. Wherever possible, the clerk will endeavour to deal with your complaint informally. If this is not possible or practical, following the investigation, you will receive a full reply in writing from the Council.

Your reply will:

- Make sure the Parish Council understands your complaint by outlining the specifics, including the incidents and circumstances that led up to it.
- If the Council upholds a complaint, the Council will clarify the concerns raised and what actions it plans to take to limit the likelihood that the issues raised will be repeated.
- Supply an explanation for their decision.

### **What if the complainant is not satisfied with the reply?**

In most circumstances, the issues raised in the complaint will be overseen by the Parish Clerk. However, if you are not completely satisfied with their response, you can write to the chairperson. The Chairman will then refer the complaint to the full Council for investigation and response.

When writing to the Chairman, you should explain that you have already made your complaint to the Council and give full reasons as to why you are not satisfied with the response.

Along with this, enclose a copy of the letter that you wrote to the council (if applicable) and the reply that you received.

### **How quickly will the Parish Council respond to your complaint?**

As stated previously, your complaint will normally be acknowledged within five working days of receipt. The investigation will be undertaken, and the results will be reported to you in writing within 21 working days. However, the Council reserves the right to extend the response period should it be felt necessary to seek legal or other advice, in which case the Parish Council will contact you within the extended working period, after which a full response will be received.

It is hoped to be able to resolve most non-complex complaints immediately, but for more complex issues, a thorough investigation may need to be undertaken. Depending on the

nature of the complaint, the Parish Council may decide to convene an extraordinary meeting to discuss the complaint if it is felt that there will be insufficient time within an ordinary meeting of the Council to consider the matter. Depending on the nature of the complaint and in order to ensure GDPR compliance, the Council may choose to hold the discussion in closed session under the Public Bodies (Admission to Meetings) Act 1960 if the Council believes that the circumstances warrant the matter being discussed in the absence of the press and public. In the interests of openness and accountability, there must be clear, relevant reasons or a request from the complainant for the matter to be held without the presence of the press or public. Investigations will be dealt with as quickly as possible, and under normal circumstances, the complainant should get a written response within 21 working days. If we do not hear from you within 10 days, we will close the complaint.

It should be noted that currently, the Local Government Ombudsman has no jurisdiction over parish and town councils.

#### Contact Details

Parish Clerk: Wayne Salisbury

Tel: 07395 316107

Email: [cheswardineparishcouncil@hotmail.com](mailto:cheswardineparishcouncil@hotmail.com)

[Cheswardine website](#)

## **CODE OF PRACTICE FOR DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINANTS**

### INTRODUCTION

The Council, its Councillors, and its staff maintain a strong relationship with the general public. In doing this, we often receive approaches from a variety of people for a number of reasons. To everyone who contacts us, we hope to offer a high calibre of service. Everyone has the right to be treated with respect, and decency. Anybody who brings up a concern with us has the right to expect that we will resolve it fully and appropriately. We typically do not restrict the contact individuals have with us while interacting with them. But there should be no expectation placed on our personnel to put up with disrespectful, threatening, or abusive behaviour. In a similar vein, we should not have to work with someone whose frequent contact interferes with our ability to accomplish our jobs.

The Parish Council occasionally gets complaints from the general public. Some complaints are received in writing or over the phone. The Parish Council has a complaints procedure in place to manage concerns in an effective and prompt manner.

The Parish Council's policy for controlling unreasonable and persistent complainants will come into effect if the complainant is deemed to be unreasonable and persistent, either through written or oral communication; a complainant starts to make frequent contact with the Parish Clerk's office and hinders the regular day-to-day operations of the Parish Council as such complaints can be time-consuming and could result in needless additional costs to the council tax payer or impact on the parish council.

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

**This policy is expected to apply to very few people.**

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

## **POLICY FOR 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.
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 one particular form (for example: letter only).
  - Request contact to take place with a named officer or councillor.
  - Restrict telephone calls to specified days and times.
  - And/or be asked to enter into an agreement about future contact with the Parish Council.
3. Any action will balance the interests of the parties with the need to safeguard the health, safety, and welfare of our employees in a reasonable, proportionate manner.

The Parish Council may adopt one or all of the following procedures:

- 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.
4. The Council will decide whether it considers that a complaint has been satisfactorily answered and how long it will spend on each complaint.
  5. In all cases where a complainant is believed 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 in effect.
  6. The complainant may appeal that council's decision, but they will need to supply evidence that their concerns weren't fully addressed.
  7. If considered to be a fair challenge, the Council will conduct a review of the complaint and 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 stop all further communication.
  9. The case will only be re-visited if the complainant can supply fresh evidence that may affect the Council's earlier 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 thought to be unreasonable and or vexatious will be treated on their merits.
12. Complaints will be kept on file for no more than 6 years.

## **WHAT IS UNREASONABLY PERSISTENT?**

Unreasonably persistent people are those who, because of the frequency or nature of their contact 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 they may be intent on pursuing complaints or issues that appear to have no substance or that 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 supply the most value. This might mean that we cannot respond to every complaint or issue in the way a person would like. Examples of the types of actions or behaviours that 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, a member of parliament, local police, a solicitor, and the Ombudsman.
- Making unnecessarily high demands on staff time and resources while a complaint or issue is being investigated, such as excessive telephoning or emailing to multiple staff members, or Councillors writing lengthy, complex letters every few days and expecting immediate responses.
- Submitting repeated complaints after the complaints processes have been completed, essentially about the same issues with additions or variations that the complainant insists make these "new" complaints worthy of going through the full complaints procedure.
- refusing to accept the decision on a complaint or issue – repeatedly arguing the point and complaining about the decision.
- Refusing to accept that issues are not within our remit despite having been provided with information about our scope.
- insisting on the complaint/issue being dealt with in ways that are incompatible with standard procedure or good practice.

## **WHAT IS UNACCEPTABLE BEHAVIOUR?**

We expect respect as well as politeness from everyone who interacts with our personnel.

We recognise that people often feel under pressure, or distressed, or 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 distress, frustration, and forcefulness and decide what behaviour is unacceptable.

Unacceptable behaviour is characterised as conduct or words (oral or written) that could make staff members feel threatened, intimidated, or mistreated. Threats of bodily harm, offensive remarks, rudeness, harassment, statements that are divisive, and unsupported claims may all fall under this category.

## **HOW DO WE DEAL WITH THIS BEHAVIOUR?**

For face to face and/or telephone contact:

- If unacceptable behaviour occurs, the staff member or councillor should explain why the behaviour is unacceptable to the individual. The member of staff should then give the individual the opportunity to stop the unacceptable behaviour and explain that if they persist, it will result in the conversation being stopped.
- Once the conversation has ended, notes should be made of the conversation with a clear description of the unacceptable behaviour that was shown by the member of the public.
- This note should be saved to the complaints folder. Please be aware, when writing that note, that this information would be disclosed under GDPR regulations.
- If at any point you have concerns for your personal safety, you should summon support from a Councillor and/or the 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, with or without warning to the person, refer the case to the police or initiate civil proceedings.