

How the council works is laid out in its standing orders. If you feel the council has not followed proper procedures, then you may complain. A complaint could be about the parish council, individual councillors, its employees, or the services it provides. This policy is to help you raise your complaint.

Please understand however that complaints about decisions made by the council are not covered by this policy. Complaints about decisions are best discussed with the clerk to the council or individual councillors. You can always raise any matter at a council meeting. In each meeting there is time set aside for the public to raise any matter affecting the parish. **(See section 1 of the policy)**

What to do if you have a complaint ...

1. Contact the clerk to talk about it. (Email clerk.fresspc@gmail.com or phone 01379 586745). This may help sort out the complaint. **(See section 3 of the procedure.)**
If it doesn't ...
2. The clerk will pass the complaint on to the Chair of the council.
The Chair will ...
3. Contact you and try to resolve your complaint informally. **(See section 4.2)**
If the informal path doesn't work ...
4. A formal confidential meeting of the council will hear your complaint. You will be invited to attend, with a friend if you wish. At this meeting, your complaint may be upheld or not.
(See sections 4.4, 4.5 and 5.)
5. Hopefully after the meeting, you will be satisfied that your complaint has been properly heard and dealt with.
If not ...
6. If you feel the council has not followed its procedures, you can appeal against the way your complaint has been handled.
(See section 6)
7. An appeal panel will investigate how your complaint was dealt with. If this policy has not been followed and that has influenced the outcome of the complaint, everything will go back to **section 5**.
However...
8. If the panel is satisfied with the way your complaint has been handled, your appeal will be rejected. This would be the end of the complaint.

1. **The following procedure will be adopted for handling complaints** about the council's administration or its procedures. Complaints about decisions made by the council are not covered in this policy. A complaint can be 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. This could be the action taken (or the service provided) by the parish council or a person or an organisation acting on behalf of the council.
2. **This policy is based on the framework** suggested by the National Association of Local Councils.
3. **Initially a complaint should be directed through the clerk** and must be made in writing with facts. (Complaints about the clerk should be made to the Chair of the council.) It may be that the complaint can be discussed and resolved at this initial stage. Anonymous complaints will be disregarded.
 - 1 **This procedure covers routine complaints** and those that are described as habitual and vexatious. Most complaints fall under the first category and only occasionally move to the second. This is covered in section 7 onwards. (The parish council defines habitual or vexatious complaints as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.)
 - 2 **Some types of complaint will be managed outside this procedure:**
 - a Alleged financial irregularity will be handled by the council's auditor
 - b Alleged criminal activity will be handled by the police
 - c Complaints that refer to individual councillors, in relation to their conduct, will be referred to the Babergh Mid Suffolk District Council monitoring officer
 - d Employee conduct will be handled by the council's disciplinary policy.
4. **The complaints procedure**
 - 1 **A copy of this policy** will be given to the complainant, either as a hard copy or an electronic copy, according to the complainant's preference.
 - 2 **The council will offer to resolve a complaint informally** and arrange a meeting with the complainants, a council representative and the clerk to the council. This will be within ten days of receipt of the formal complaint (excluding public holidays in England). Complainants may opt to by-pass this informal stage. After an informal attempt to resolve a complaint, the clerk will summarise in writing this informal stage.
 - 3 **After receiving the summary**, if the complainant is not satisfied, they will have seven days (excluding public holidays in England) in which to email/write to the clerk to confirm that the complaint should become a formal complaint. After this period if no such email or letter has been received, the complaint will be deemed to have been withdrawn and the complainant will be informed.
 - 4 **A formal complaint** will be heard by the council, less three members. These three will form an appeals panel if one is necessary.
 - 5 **The clerk** will normally represent the council through the proceedings, but a nominated councillor may act instead.

5. The complaints hearing

1 Before the meeting

- a By email or letter, the complainant should set out the alleged facts and how they affect them personally. The clerk will offer assistance to do this.
- b Within seven days of receipt of the formal complaint (excluding public holidays in England), or following an informal approach, within seven days of a request that the complaint be treated formally (excluding public holidays in England), the complainant will be notified when the council will consider the matter. It will be treated confidentially: the complaints hearing will not be open to the public. There is no role for an observer at these meetings either from the parish council or complainant's side.
- c The meeting of the complaints panel will be held within 21 days of a formal complaint having been received (excluding public holidays in England). Exceptionally, this period may be extended.
- d The complainant will be invited to attend the meeting, with a representative if wished. The role of the representative is either to take notes or to speak on behalf of the complainant. If the complainant wishes to speak to the complaints panel, then the representative is not entitled to speak.
- e Not later than seven days prior to the meeting (excluding public holidays in England), the complainant and the council will exchange copies of any documentation or other evidence to be relied on during the meeting.

2 At the complaints meeting

- a The scope of the meeting is to consider the formal written complaint. It is not an opportunity to raise additional complaints.
- b The councillor chairing the meeting will introduce everyone and explain the procedure.
- c The complainant (or representative) will outline the grounds of the written complaint, followed by any questions from the clerk and then from the complaints panel.
- d The clerk will explain the council's position, followed by any questions from the complainant and then from the complaints panel.
- e The panel will make its decision once the complainant and clerk have left the meeting.

3 After the meeting

- a The decision of the panel will be confirmed in writing within seven days of the complaints hearing (excluding public holidays in England), together with details of any action to be taken.

6. Appeals.

- 1 If the complainant feels that these procedures were not followed correctly by the complaints panel, they would be entitled to appeal within seven days of receipt of the result of the proceedings (excluding public holidays in England).

- 2 **The appeal should be made in writing.** It must set out exactly what procedures were not followed and how this disadvantaged the complainant. An appeal is not a re-run of the original complaint. The complainant will not be invited to attend the appeal meeting.
- 3 **An appeals panel will consider the appeal.** It will consist of three councillors who were not party to the original complaints meeting. The vice-Chair of the council will chair the appeals panel. This group will, within 21 days of receiving the appeal (excluding public holidays in England), examine the way in which the council dealt with the complaint, and consider whether the complainant has suffered any substantial prejudice because of these procedures not having been strictly followed. The examination by the appeals panel may include asking questions of certain individuals from the parish council and the complainant and possibly interviewing them.
- 4 **The appellant will be notified the result of the appeals** process within 10 days of the appeals panel concluding its examination of the way the council handled the complaint (excluding public holidays in England).
- 5 **If procedures were correctly managed** by the council, then the appellant will be notified that the appeal has not been successful. If the appeal is upheld, the complaint will be referred for further consideration as described in 5.1c
- 6 **The result of the complaints proceedings will be reported** as a confidential item at the full council meeting after the appeal period has passed, ensuring that the anonymity of complainants is appropriately respected.
- 7 **The decision of the appeal panel will be final.**

7. Habitual and Vexatious Complaints

The council will endeavour to deal with complaints in an efficient, equitable and effective manner. The council may have to initiate further action, if the complainant behaves in ways which can impede the investigation of the complaint, have significant resource implications, hinder the complaints service for others, or be offensive, abusive or threatening.

The aim of the council is to manage each case properly, consistently, fairly and respectfully. The council will ensure that the complaint, not the complainant, is the issue during any procedure and decision making. It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

The council will adopt a 4-step approach for handling this type of contact,

1 Guidelines

The council will try to keep open the lines of communication with the complainant. It will give appropriate support e.g. clarifying the reason for the outcome, offering relevant support for a complainant with special needs, suggesting an independent representative to help present their case. Any action taken as a result of a proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

2 Procedure

Throughout this procedure, the council will give the complainant an appropriate level of support. The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the Chair or vice-Chair to ensure that the complaint has been dealt with according to the council's complaints procedure.

The Chair or vice-Chair will contact the complainant in an effort to resolve the situation. In the case of a meeting where, in the view of the complainant, there are conflicts of interest that could jeopardise the outcome of any decision, then the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative.

During the meeting, the Chair/vice-Chair will:

- a Listen to the grievance/complaint
- b Assure the complainant of confidentiality with personal details
- c Carefully explain what action the council has taken within its remit to resolve the complaint
- d Offer any relevant support about the complaints procedure to the complainant
- e Suggest complaint routes available if the complaint is outside the council's remit
- f Explain how the complainant's actions are of concern but are hampering the complaints procedure
- g Explain what actions the council may take
- h Seek an assurance that the persistent/unreasonable nature of the complaint will be addressed

The outcome and relevant details of the meeting will be noted.

3 Decision

- a If the complainant continues to behave in an unreasonable and/or vexatious way, the Chair/vice-Chair will seek the approval from the council to agree what action(s) to take, e.g. restrict or refuse any further contact.
- b The complainant will be advised by letter from the clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
- c The council will record the decision and hold all relevant correspondence which will be stored appropriately in line with the Data Protection Act. The clerk will notify all councillors and members of staff as appropriate.
- d Any new complaint from any person who has come under this section of the complaints policy must be treated on its merit.

4 Review

The decision taken at Section 7.3 will be reviewed after 6 months. The complainant will be notified of the result if the decision to apply the policy has been reversed.

8. Repetitious Enquiries

The principles and methods guiding the way repetitious enquiries are handled are the same as those for habitual and vexatious complaints.

Examples of enquiries that could be deemed repetitious are:

- raising many detailed but unimportant questions, and insisting they are all answered
- making claims based on inaccurate or incomplete evidence
- adopting a scatter gun approach by pursuing parallel enquiries on the same issue with various individuals
- making excessive demands on the council's time and resources with lengthy phone calls/emails to numerous councillors or members of staff, or sending detailed letters/emails every few days, and expecting immediate responses
- submitting repeat enquiries with minor additions or variations from an original contact insisting these are new enquiries
- refusing to accept an answer; repeatedly arguing points

This is not a tick list, nor is it exclusive. Such enquiries do not have to be from the same person and could be described as coordinated. These enquiries do not have to be on a single subject but may range around different, possibly related matters.

Repetitious enquiries can be as draining on council resources as are habitual and vexatious complaints. Councillors and employees have a responsibility to identify contacts as being potentially repetitious. These will fall under this policy in the following circumstances:

- the contacts become the excessively burdensome for the councillor or employee
- the motive of the requester is unclear
- the value or serious purpose of the request is questionable
- the contacts are causing harassment or distress

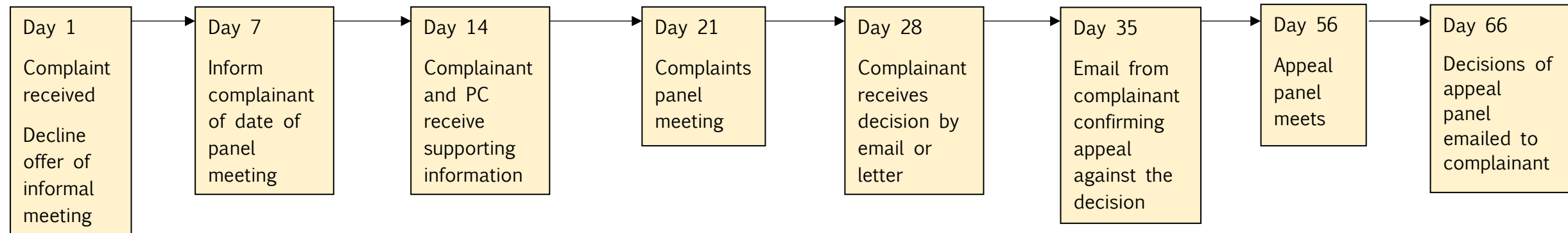
If contacts have been identified as potentially repetitious, the recipient will discuss the matter with the Chair of the council and two other councillors. If it is agreed that they have become repetitious and too demanding on the resources of the council, the clerk to the council will send a final email, summarizing the details of recent contacts. It will explain that the council believes this, and similar subjects have been dealt with or explained comprehensively by the council. The clerk will conclude by stating that any future contact on or around the subject will be simply acknowledged, and then archived.

The decision will be reviewed after three months.

Timeline for different options in the complaints procedure

Preliminary stage – at a mutually agreed time and date the clerk is able to talk through the details of the complaint and satisfy the complainant

If the preliminary stage is not successful and the offer of the informal stage not taken up



If the preliminary stage is not successful and the offer of the informal stage is taken up

