

**HOOE PARISH COUNCIL  
COMPLAINTS PROCEDURE**

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# Hooe Parish Council

## Complaints Procedure

### 1. INTRODUCTION:

Hooe 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 (i.e. the clerk) should 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 and as such any appropriate action will be taken as appropriate.

Parish Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. The parish council will therefore do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the parish council.

Hooe Parish Council's 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  
Wealden District Council  
Vicarage Lane  
Hailsham  
BN27 2AX

The Monitoring Officer can only deal with complaints regarding the behaviour of a councillor and will not deal with complaints about matters that are not covered by the Councillor's Code of Conduct. Complaints must be about a councillors' failure to follow the Code of Conduct.

### 2. DEFINITION OF A COMPLAINT:

A complaint is an expression of dissatisfaction by one or more members of the public about the parish council's action or lack of action or about the standard of a service provided by the parish council itself or a person or body acting on behalf of the parish 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 to operate within its statutory powers, agreed policies and procedures in the management of the parish council's affairs.

3.

## Complaint Categories

	Financial Irregularity	<p>Local elector's statutory right to object to a Parish Council's audit of accounts pursuant to the Local Audit &amp; Accountability Act 2014.</p> <p>On other matters, Parish Councils may need to consult their Internal Auditor / Audit Commission</p>
B	Criminal activity	The Clerk should refer the Complainant to the Police.
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, Wealden District Council, Vicarage Lane, Hailsham, BN27 2AX.</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	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.
E	Other	Complaints are "expressions of dissatisfaction by one or more members of the public about the parish council's actions, the standard or lack of provision of a service, including breaches of procedures and standards set by the parish council or any other legal requirement whether the action or service provided by the parish council itself or a person or body action on behalf of the parish council". These will be heard by the Parish Council which has delegated authority to deal with complaints on its behalf.

## **The following are excluded from this procedure:**

The parish council receives queries, comments and is advised of possible problems and as part of its day to day running and it is not appropriate for every comment to be treated as a formal complaint. Every effort will be made to deal with these issues immediately, either by providing information, instigating the appropriate action or explaining a decision.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint. The complaints procedure will not apply to complaints made anonymously.

### **4. INFORMAL COMPLAINTS:**

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. If the complainant prefers not to put the complaint to the clerk (because the matter relates to the Clerk, for example,) he or she should be advised to write to the chairman of the parish council.

If a complaint is made to a councillor, it is their duty to notify the clerk or the chairman of the parish council with immediate effect. The clerk or chairman of the parish council will speak directly to the complainant and will attempt to resolve the complaint and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly. If the clerk or the chairman cannot satisfy a complaint in an informal way, then the Formal Complaints Procedure will be instigated.

### **5. 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.

The parish council will not respond to repeat questions previously asked and answered by the parish council to the complainant. In such situations the parish council will reserve the right to make no further comment to the complainant.

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.

A complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Complaints Committee giving the reason and scope. This will be confirmed in writing to the complainant.

## 6. FORMAL COMPLAINTS:

The complainant will be asked to put their complaint in writing to the clerk. The clerk shall acknowledge receipt of the request within 5 working days. If the complainant does not wish to put the complaint to the clerk, they should be advised to address it to the chairman of the parish council.

The letter should contain the following information:

- Name, address and telephone number of the complainant, *and where appropriate an email address*
- Details of the complaint
- 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

## 7. Complaints Management Process

The parish council shall consider the formal complaint and undertake the appropriate investigation as necessary. Following the investigation process, the parish council will make the determination if the formal complaint warrants a hearing or a written response to the complainant. The complainant shall be notified of the process to be followed.

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 Complaints Committee.

Where a Complaints Committee is to be convened, the Complaints Committee shall comprise of all members of the parish council. There will be a minimum membership of three councillors. No Members will be appointed who have already been involved in the matter, which is the subject of the complaint. The parish council must demonstrate the process is open, transparent and fair.

The clerk will give the complainant at least 10 working days' notice of the intended date of the Complaints Committee meeting. The complainant should also be advised whether the complaint will be treated as confidential.

The complainant shall be invited to attend a meeting of the Complaints Committee and to bring with them one other person for support if they wish. They will not be entitled to bring legal representation. The other person may not address the meeting.

### **Who will be at the meeting?**

1. The Members of the Parish Council.
2. The Clerk to the Council.
3. The Complainant who may be accompanied by one other person for support as set out above.

### **At the Meeting**

1. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
2. The Chairman of the Complaints Committee should introduce everyone and explain the procedure.
3. The complainant (or their representative) should outline the grounds for complaint and afterwards questions may be asked by the Clerk and Members.
4. The Chairman or the Clerk (unless otherwise agreed) will present the parish councils position relating to the complaint (if necessary) and afterwards questions may be asked by other Members.
5. The Complainant should be offered the opportunity to summarise their position to the Complaint's Committee. The Complainant and any person attending in support of the Complainant should be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, the complainant shall be invited back.
6. The Complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **After the Meeting**

The decision should be confirmed in writing within ten working days together with details of any action to be taken.

### **Right of Appeal**

The Complaints Committee's decision is final.