

# **OARE PARISH COUNCIL**

## **COMPLAINTS POLICY**

Adopted: July 2018

Reviewed: May 2022

### **1. INTRODUCTION**

Oare Parish Council recognises that there will be times when members of the public wish to complain about aspects of the council and this policy outlines the procedures it has put in place to ensure such complaints are addressed in the correct manner.

It should be noted that the Local Government Ombudsman has no jurisdiction in respect of a parish council except where it is (i) working jointly with a principal authority through a joint committee which includes representatives of the principal authority or (ii) exercising the functions of a principal authority.

In the first instance all complaints, both oral and written, should be referred to the clerk (unless the complaint is about the clerk, in which case refer to section 3 below). The clerk will then attempt to provide an explanation to the complainant, usually within ten working days. On occasion, the clerk may need to undertake further investigation. If this is necessary, the clerk will inform the complainant of this fact and the likely timescale needed to discover the necessary information.

Any complaints dealt with in this manner will be reported by the clerk to the next meeting of the council.

If the complainant is unsatisfied with the response provided by the clerk, they can take the complaint to the next stage of the process, as outlined in sections 2-5 below.

### **2. COMPLAINTS REQUIRING RECOURSE TO AN OUTSIDE BODY**

- complaints about alleged financial irregularity should be referred to the council's auditor, and local electors also have the statutory right to object the council's audit of accounts pursuant to s.16 Audit Commission Act 1998.
- complaints about alleged criminal activity should be referred to the police.
- complaints about the conduct of council members should be referred to the Monitoring Office of Swale Borough Council.

The clerk will be able to provide more information on any of the above.

### **3. COMPLAINTS ABOUT THE CONDUCT OF AN EMPLOYEE**

These should be addressed to the Chair who will then refer to the council's internal disciplinary procedure.

### **4. COMPLAINTS ABOUT A POLICY DECISION**

These will be referred back to the council or relevant committee, as appropriate, for consideration. The complainant may be invited to put their case to the council or committee. The decision of the council or committee is final.

## **5. COMPLAINTS ABOUT COUNCIL ADMINISTRATION, PROCEDURES OR STANDARD OF SERVICE**

### **Before the meeting**

The complainant will be asked to put the complaint in writing to the clerk.

The clerk will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by a committee established for the purpose of hearing the complaint. The complainant will also be advised whether the complaint will be treated as confidential and therefore discussed in the absence of the press and public. Any decision on a complaint will be announced at a council meeting in public, however.

The complainant will be invited to attend a meeting of the council or the committee and to bring with them a representative if they wish.

Five working days before the meeting, both the complainant and the council should provide the other party with copies of any documentation or other evidence relied on.

### **At the meeting**

The Chair will introduce everyone and explain the procedure.

If the clerk represents the position of the council on the issue of the complaint, he or she should not advise the council or committee on the determination of the matter.

The complainant (or representative) should outline the grounds for complaint and questions may be asked by (i) the clerk and then (ii) members of the council.

The clerk will explain the council's position and questions may be asked by (i) the complainant and then (ii) members of the council.

The clerk and then the complainant will be offered the opportunity to summarise their position.

The clerk and the complainant will be asked to leave the room while members decide whether or not sufficient grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.

The clerk and the complainant will be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.

The council or committee may defer dealing with a complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at a further meeting if necessary.

The council or committee may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the council's maladministration. Any payment may only be authorised by the council after obtaining legal advice and advice from the council's auditor on the propriety of such a payment.

### **After the meeting**

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

## **6. UNREASONABLY PERSISTENT OR VEXATIOUS CONTACT**

Whilst Oare Parish Council will always aim to find a way to resolve complaints, there are times where, because of the nature or frequency of their contact with the council, a small number of customers hinder council business. This may be because of unacceptable behaviour in their dealings with the council, or because they become unreasonably persistent in their quest to obtain the outcome they want, or because their request is vexatious.

While not an exhaustive list, examples of what is deemed to be unreasonably persistent or vexatious complaints include:

- unfounded accusations;
- personal grudges;
- repeated demands for action or information;
- refusal to accept documented evidence as being factual;
- persistent pursuit of a complaint where the complaints procedure has been fully implemented and exhausted; and
- repeatedly contacting the council with letters or emails of complaint or telephone calls, placing unreasonable demands on staff.

Where a decision is made that a customer has become unreasonably persistent or their request is vexatious, the clerk will in the first instance give the customer a warning that if their behaviour continues action may be taken or restrictions may be applied, which may include, but are not limited to:

- requesting contact in a particular form and/or with a named person;
- restricting the number of telephone calls and/or time limits for such calls;
- blocking email contact; or
- banning the customer from council meetings.

Other options may be considered depending upon the customer's particular circumstances and behaviours. The clerk will inform the customer in writing if any such restrictions are imposed.

In cases where the customer persists in communicating with the council about a particular matter or a complaint that has completed all stages of the council's complaints process, contact with them may be terminated. In such cases, the clerk will inform the customer in writing that no further response to any communications regarding their complaint or the specific matter being pursued will be made.

Where restrictions are imposed or a decision is made to terminate communication, the customer has a right to request a review with 14 days of being notified of the decision. Any such review will be carried out by the Chair of the council.

New contacts/complaints from a customer who has had such restrictions placed upon them will be treated on their own merits, and previous restrictions will not automatically apply to a new matter.

The council reserves the right to take further action as appropriate.