COLSTERWORTH AND DISTRICT PARISH COUNCIL

COMPLAINTS PROCEDURE

*A STEP BY STEP GUIDE TO COMPLAINTS AGAINST COLSTERWORTH AND DISTRICT PARISH COUNCIL, EMPLOYEES OF THE COUNCIL OR COUNCILLORS**

The Reason why the Parish Council has a Complaints Procedure

The Council has a procedure which will help it to become more responsive to complaints made by Parishioners as part of its commitment and accountability. If you tell us things have gone wrong, we will do our best to address your concerns as quickly as possible. This document outlines the way in which complaints should be made and how they will be handled.

What we mean by a Complaint

We have established a two-stage procedure for handling concerns and complaints. You should complain if you honestly believe:

- The Parish Council has done something the wrong way
- The Parish Council has done something it should not have done
- The Parish Council has failed to do something it should have done or
- An employee of the Parish Council who has acted wrongly

The complaints procedure is not designed as an appeal system to question decisions of the Council which were properly taken or to challenge policy. It is to check that everything that should have been done has been done and that our procedures and policies have been followed and officers and councillors have acted properly.

A complaint against an individual councillor cannot be dealt with under this procedure and it must be directed to: The Monitoring Officer, SKDC, Council Offices, St Peter's Hill, Grantham NG31 6PZ.

Who do you complain to?

- Complaints should be directed to the Proper Officer of the Parish Council, i.e, the Parish Clerk
- If the complaint is about the Clerk it should be directed to the Chairman of the Parish Council (or in the Chairman's absence to the Vice Chairman)

How do you put your complaint in?

This must be kept confidential and not be put in the public domain by the complainant or the Parish Council.

- By phone, letter or email with relevant evidence or by using the attached form.
- Current contact addresses can be found on the Colsterworth and District Parish Council website **o**r by contacting: SKDC, Council Offices, St Peter's Hill, Grantham NG31 6PZ.
- Please type "Complaint" at the top of your letter
- Give full details of your complaint and explain what you think the Parish Council needs do to address your concerns

Unreasonable and unreasonably persistent or vexatious complainants' protocol

"Please treat our staff and Councillors with courtesy and respect at all times.
Any intimidating, threatening or hostile behaviour towards any of our staff that results in distress for the staff member will not be tolerated and may result in criminal prosecution (Appendix A)"

STAGE 1

- Your complaint will be acknowledged
- If your complaint relates to another service not the responsibility of the Parish Council (e.g. County or District Council), we will try and signpost you to the appropriate Authority.
- If the complaint is of a severity that it requires consideration by full Council, the Clerk will refer it to Stage 2 of the Parish Council's Complaints Procedure (see below).
- You will receive a response from the Clerk or Chairman of the Parish Council
- If you receive a satisfactory response immediately after this informal resolution (Stage 1), the matter will be closed.

- Complaints received and resolved informally will be monitored and reported to Council by theme and outcome at the next Council meeting.

STAGE 2

If you are not satisfied with the resolution at Stage 1 you must provide an explanation as to why you are not satisfied and request a review by Full Parish Council

- You will receive an acknowledgement
- Your complaint will be put before our Complaints Panel made up of three councillors who will decide if the complaint has merit.
- If the complaint has merit or not the Panel will prepare a report which will draw up recommendations to be put before the full Parish Council
- Your complaint will be considered by the full Parish Council and you will be informed of the result.
- The Parish Council will decide on any remedial actions if necessary
- This is the final stage of the Council's complaints procedure[1]

Please treat our staff and Councillors with courtesy and respect at all times.

Any intimidating, threatening or hostile behaviour towards any of our staff that results in distress for the staff member will not be tolerated and may result in criminal prosecution.

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[1] The Local Government Act 1974 (S34(1)) defines the authorities that the Local Government Ombudsman may investigate. Parish and town councils are not included in this definition. But they may be able to consider a complaint about a parish or town council if it is acting on behalf of another council. So, for example, if a county council has arranged that the parish council should maintain the grass verges, then we may be able to look at a complaint about this.

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APPENDIX A

1. **The purpose of this Protocol is to** provide the Colsterworth and District Parish Council (CAD) a fully transparent
2. framework **which helps the Council to ensure unreasonable and unreasonably persistent or vexatious complainants are dealt with fairly and proportionately.**

1. It is considered that all complainants have the right to have their concerns examined in line with CAD's complaints procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable

2. They may act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder CAD's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

3. The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

3. How is unreasonable complaint behaviour defined?

1. It should be noted that raising a complaint about CAD's services does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through both stages of the complaints procedure or those who express criticism about the complaints process itself.

2. Examples of unreasonably persistent behaviour:

   (This list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

   - Refusing to specify the grounds of a complaint, despite offers of help.
   - Refusing to cooperate with the complaints investigation process.
   - Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaints procedure.
   - Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
   - Making unjustified complaints about staff or Members who are trying to deal with the issues and seeking to have them replaced.
   - Changing the basis of the complaint as the investigation proceeds.
   - Denying or changing statements he or she made at an earlier stage.
   - Introducing trivial or irrelevant new information at a later stage.
   - Raising many detailed but unimportant questions, and insisting they are all answered.
   - Submitting falsified documents from themselves or others.
   - Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
   - Making excessive demands on the time and resources of staff and Members with lengthy phone calls, emails or detailed letters every few days, and expecting immediate responses.
   - Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
   - Refusing to accept the decision; repeatedly arguing points with no new evidence.

4. Examples of abusive and/or vexatious complainants

CAD will take steps to protect its staff and Members from complainants who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards Council staff and Members which provokes fear.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed

3. Managing unreasonable complainant behaviour

1. This Protocol may be invoked if CAD considers that a complainant has behaved in a manner which is deemed unreasonable (see above).

2. Types of actions the Council may take:

- Where the complainant tries to reopen an issue that has already been considered through one of the Council's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information
- Limiting the complainant to one type of contact (e.g. telephone, letter, email, etc.)
- Placing limits on the number and duration of contacts with staff and Members per week or month
- Requiring contact to take place with a named person and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file
- Assigning the Clerk to read the complainant's correspondence, in order to ensure appropriate action is taken
- Offering a restricted time slot for necessary calls to specified dates and times
- Requiring any face to face contacts to take place in the presence of a witness and in a suitable location

5. Matters to take into account before taking action

1. Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:

    1. Consideration about whether it is appropriate to convene a meeting with the complainant in order to seek a mutually agreeable resolution
    2. If it is known or suspected that the complainant has any special needs then consider offering an independent advocate who may assist the complainant with their communication with the Council

2. Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

6. Imposing restrictions

1. In the first instance the Clerk will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern and ask them to change this behaviour. It will be explained what actions CAD may take if the behaviour does not change.

2. If the complainant continues with the unreasonable behaviour the Clerk will consult with the Council about whether it is necessary to take appropriate action by invoking this Protocol.

3. When the decision has been taken to apply this Protocol to a complainant, the Clerk will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action the Council will be taking
- the duration of that action
- the review process of this policy

4. Any restriction that is imposed on the complainant's contact with CAD will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

5. If the complainant continues to behave in a way which is deemed unacceptable then the Clerk, in consultation with full Council, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

6. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff and Members the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

7. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants.

Any new complaints received from complainants who have come under this policy will be treated on their merits. CAD does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

8. Review

1. The Clerk will review any restrictions which are imposed upon the complainant after three months and at the end of every subsequent three months within the period during which the protocol is to apply.

2. Should the decision be taken to extend the period of restriction, the complainant will be advised in writing how CAD plans to go about this and that the decision to restrict contact will be put in place for a further specified period (e.g. six months). The outcome of any subsequent review will be communicated to the complainant, outlining if the restrictions will continue to apply and if so why.

9. If at the end of the restricted period it is considered that the complainant's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

10. Record Keeping

1. The Clerk will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this protocol. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

2. Anonymised information will be reported to Council

Implemented: 03/11/2020

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title	
First name	
Last name	
Address	
Daytime phone	
Evening phone	
Mobile	
Email address	

We will not disclose your contact details to anyone unless it is necessary to do so in order to deal with your complaint.

2. Please tick the box that best describes you:

Member of the public	
Elected or co-opted member of a Council	
Other council employee	
Other (please specify)	

3. Please provide as much information as you can to support your complaint:-

- Date of any alleged incident(s)/decisions/omissions wherever possible. Where you cannot do that please provide a general timeframe.
- Other than in exceptional circumstances we cannot consider complaints about events that took place more than 3 months before the date on which you submit your complaint.
- How did this incident/decision affect you and why are you dissatisfied with the actions of the Council?
- You can let us know whether there were any other people affected/witnesses to the alleged incident(s) and provide their names and contact details if possible as long as they agree to you sharing this with the Council.
- You should provide as much relevant background information as you can as this will allow the Council to consider your concerns as quickly as possible,

4. Please write down the details of your complaint here. Continue on a separate sheet if there is not enough space on this form.

Please send your correspondence/form to: clerk@colsterworthanddist-pc.gov.uk