



PITSTONE PARISH COUNCIL

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Code of Practice for Handling Complaints

Introduction

The parish council always seeks to act in the best interests of the community and within the guidelines stipulated in the Code of Conduct for parish councillors. We are committed to providing you with a first class service. However, we do recognise that from time-to-time members of the public may have queries or complaints regarding the administration or procedures of the parish council.

Pitstone parish council has therefore adopted a formal procedure, which is set out below, to ensure that any such issues raised are properly and fully considered, and responded to promptly. We ask that any complaint is submitted in writing, to ensure that the issues are clearly understood.

If alternatively there is perceived to be a breach of the Code of Conduct for members (pursuant to section 27 of the Localism Act 2011) then a written complaint may be submitted to the Monitoring Officer at Aylesbury Vale District Council. Should you not be satisfied with the investigation by the Monitoring Officer, your disagreement with the Monitoring Officer's report may be taken up with the Local Government Ombudsman.

Pitstone parish council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints or queries.

Scope

The procedure which follows does not cover complaints about the conduct of a member of the parish council as these matters need to be addressed through the Monitoring Officer at AVDC (see above). Similarly, matters relating to grievance or disciplinary proceedings that are taking place (or are likely to take place) will be dealt with in accordance with the parish council's grievance and disciplinary procedures, other than to the extent they are specifically referenced below.

Procedure

The following procedure will be adopted for dealing with complaints about the council's administration or its procedures:

1. Complaints about a policy decision made by the parish council will be referred back to the parish council (or relevant committee, as appropriate) for consideration. References in this Code of Practice to "the parish council" and/or meetings thereof shall include (without limitation) a properly-constituted committee of the council,

unless specific reference to the "full parish council" is made. Subject always to this:

- a. If a complaint about procedures or administration or the actions of any of the parish council's employees is notified orally to a councillor, or the clerk to the council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
 - b. The complainant will be asked to put the complaint in writing (by email or letter) to the clerk to the council at parishclerk@pitstone.co.uk or 9 Warwick Road, Pitstone, LU7 9FE.
 - c. If a complainant indicates that he/she would prefer not to put the complaint to the clerk to the council (because the matter relates to the clerk, for example), then he/she will be advised to put it in writing (by email or letter) to the Chairman of the council at dave@djnsolutions.co.uk or 64 Marsworth Road, Pitstone, LU7 9AS
2. On receipt of a written complaint, the clerk to the council (except where the complaint is about his/her own actions) or the Chairman (if the complaint relates to the clerk), will endeavour to settle the complaint directly with the complainant within the existing policy of the parish council. (To the extent that the complaint involves assertions about a particular individual and/or their actions or behaviour, such attempts at resolution will not however be progressed until such individual has first been notified of the complaint and given an opportunity to comment.) All reasonable endeavours will be used to resolve the complaint at this stage.
 3. The clerk to the council (or the Chairman) will report to the next meeting of the parish council any written complaint disposed of by direct communication with the complainant. The identity of the complainant shall however remain confidential to (and be kept confidential by) the parish council at all times.
 4. If it is not possible to dispose of a complaint by such means, an investigation will commence as soon as practicable and, in any event, within 14 days after either receipt of the written complaint or, as the case may be, the clerk to the Council (or the Chairman) having determined that resolution of the complaint by such means is no longer possible.
 5. The clerk to the council (or the Chairman) will report, to the next meeting of the parish council, the substance of any written complaint now being investigated in accordance with paragraph 4 above that has not yet, as a consequence, been disposed of. The identity of the complainant shall however remain confidential to (and be kept confidential by) the parish council at all times.
 6. The clerk to the council (or the Chairman) will notify the complainant of the date on which the complaint will be considered by the parish council (which may be the same or a subsequent meeting to that referred to in paragraph 5 above) and will offer him/her an opportunity to explain the complaint to the parish council orally, in order to inform their consideration of and their investigation into the complaint. Subject always to this:
 - a. The parish council may in its absolute discretion consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public (and to the extent they so decide, the meeting or relevant part thereof shall be conducted in private), but any actual decision on the complaint will be announced – whether at that or a subsequent parish council meeting – in public.
 - b. If the matter is a complaint about an employee, such that the parish council or the clerk to the council believes that the matter may lead to a disciplinary hearing, then (notwithstanding paragraph 6a above) the matter will be heard

(i) by the full parish council and (ii) with the press and public excluded. Even if such matter is being dealt with initially outwith the context of a formal disciplinary hearing, the employee is entitled to have a representative present in accordance with his/her "right to be accompanied" pursuant to section 10 of the Employment Relations Act 1999. The question before the parish council in such a case will be limited to establishing whether there is a factual basis to the complaint and the action that should then be taken, vis-à-vis the complainant, in respect of it. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner and in accordance with the parish council's disciplinary procedures in force at the time.

7. Subject always to paragraphs 9 and 10 below the parish council will then use all reasonable endeavours to make a decision about the complaint as soon as practicable, whether at the same meeting at which it is first considered by them or a subsequent meeting.
8. As soon as practicable after a decision has been made about the complaint (and in any event not later than 10 days after the meeting at which the parish council's decision is made) the complainant will be notified in writing of the decision and any action to be taken by the parish council in furtherance of it.
9. The parish council may at any time defer dealing with any (new or ongoing) complaint if it is of the opinion that issues arise in respect of which further input, or on which further advice, is necessary. Its consideration of any such complaint will be progressed when that input or advice, as appropriate, has been received and considered by the parish council.
10. In the event of serial facetious, vexatious or malicious complaints from a member of the public the parish council may, in its absolute discretion, take legal or other professional advice before initiating the procedure detailed herein (or, as the case may be, before moving to the next stage of this procedure in respect of any matter that is already ongoing).

Policy on Unacceptable Complainant Behaviour

The parish council recognises that it is under a general duty to engage in correspondence with members of the public, and that this extends to considering, investigating and responding to complaint. The parish council also has a duty to ensure the safety and welfare of its staff and councillors.

The parish council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service we do not normally limit the contact complainants have with us. However, the parish council does not expect its members or staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and will take action to protect them from that behaviour.

When we consider that a complainant's behaviour is unacceptable we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the unacceptable behaviour continues, or is of a seriousness which means it is not appropriate merely to ask them to change it, the full parish council may take the decision to restrict the complainant's contact. In the unlikely event that a serious matter is of sufficient gravity to warrant more immediate action, the Chairman (or in his absence the Vice-Chairman) may with the approval of any three other councillors take such a decision, the ratification of which will be sought from the full parish council at its next-following meeting.

Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

1. Requiring contact in a particular form (for example by letter only)
2. Requiring contact to take place with a named officer
3. Restricting telephone calls to specified days and times
4. Restricting ability to contact us by email
5. Asking the complainant to enter into an agreement about their conduct

In all cases we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint.

Where the behaviour is so extreme that (in the reasonable opinion of the parish council) it threatens the immediate safety and welfare of the council's staff, councillors or other users of services, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we will not necessarily give the complainant prior warning of that action.

The parish council will also, at all times, have regard to the Local Government Ombudsman's "Guidance on managing unreasonable complainant behaviour".

Review

This code of practice was adopted by Pitstone parish council on
minute reference and will be reviewed on at least an annual basis.

Signed on behalf of Pitstone parish council by:

Chairman