



# PITSTONE PARISH COUNCIL

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## Code of Practice for Handling Complaints

### Introduction

The parish council will always try 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 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.

Local councils are not subject to the jurisdiction of the Ombudsman. However, if 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.

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.

### Procedure

This procedure 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. 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 council will be referred back to the council, or relevant committee, as appropriate, for consideration.
2. If a complaint about procedures or administration or the actions of any of the 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.
3. The complainant shall be asked to put the complaint in writing (by email or letter) to the Clerk to the Council at [parishclerk@pitstone.co.uk](mailto:parishclerk@pitstone.co.uk) or 9 Warwick Road, Pitstone, LU7 9FE. An investigation will commence as promptly as possible, and definitely within 14 days.

4. 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 should be advised to put it in writing (by email or letter) to the Chairman of Council at [sainteypitstone@btinternet.com](mailto:sainteypitstone@btinternet.com) or 2 Albion Road, Pitstone, LU7 9AY.
5. 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), shall try to settle the complaint directly with the complainant within the existing policy of the council. This will not be done without first notifying any person complained about and giving him/her an opportunity to comment. Every effort will be made to resolve the complaint at this stage.
6. The Clerk to the Council (or the Chairman) shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
7. The Clerk to the Council (or the Chairman) will report any written complaint that has not been resolved to the next meeting of the council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the full council orally.
8. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the council's Grievance and Disciplinary Procedures.
9. The council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public, but any decision on the complaint will be announced at the council meeting in public.

If the matter is a complaint of the Clerk to the Council such that the council or the Clerk to the Council believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

10. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
11. The council may defer dealing with any 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 the next meeting after the advice has been received.
12. In the event of serial facetious, vexatious or malicious complaints from a member of the public the council may consider taking legal advice before writing any letters to the complainant.

## **Policy on Unacceptable Complainant Behaviour**

The 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 council also has a duty to ensure the safety and welfare of its staff and councillors.

The 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 council does not expect its members 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 council may take the decision to restrict the complainant's contact.

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

1. Requesting contact in a particular form (for example by letter only)
2. Requesting 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 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 council will also, at all times, have regard to the guidance issued by the Local Government Ombudsman on "Unreasonably persistent complaints and 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:

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Chairman