

PITSTONE PARISH COUNCIL

Code of Practice for Handling Complaints

1. 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.

The Local Government Ombudsman (LGO) confirms that a good complaints system is:

- Well publicised, easily accessible, and easy to use,
- Helpful and receptive,
- Not adversarial,
- Fair and objective,
- Based on clear procedures and defined responsibilities,
- Thorough, rigorous, and consistent,
- Decisive and capable of putting things right where necessary,
- Sensitive to the special needs and circumstances of the complainant,
- Adequately resourced,
- Fully supported by councillors and officers,
- Provides responses that are proportionate, one size does not fit all,
- Timely and
- Regularly analysed to spot patterns of complaint and lessons for service improvement.

These principles are reflected in this policy.

Pitstone Parish Council will bear in mind the provisions of the General Data Protection Regulations as well as the Freedom of Information Act 2000 in dealing with complaints or queries.

2. Scope

This procedure does not cover complaints about the conduct of a member of the parish council, or any alleged breach of the Code of Conduct adopted by Pitstone Parish Council (pursuant to section 27 of the Localism Act 2011), as these matters need to be addressed through written correspondence with the Monitoring Officer at Buckinghamshire 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.

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.

Local Electors have a statutory right to object to a Council's audit of accounts under S16 Audit Commission Act 1998. Details of the External Auditor appointed to the Parish Council for any given year are available on the website at www.pitstone.co.uk.

This complaint's procedure is not a means of redress for its members or staff. All members and staff are expected to work together professionally even if they hold differences of opinion and views. Members are free to raise any matters of concern in respect of council business by the submission of motion(s) on the agenda for the relevant meeting(s) where the issue can be formally considered and resolved. Alternatively, if a member has concerns about the conduct of a member of staff, he should notify the Chair of the Staffing Committee. If an employee has a complaint about the workplace, he may raise this in accordance with the council's internal Disciplinary and Grievance Arrangements.

3. Procedure

The following procedure will be adopted for dealing with complaints about the council's administration, services, activities, or its procedures. Such complaints will be treated as a complaint against the body corporate.

1. Complaints about a policy decision made by the parish council will be referred 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. All complaints must be documented in writing to be progressed, to ensure that the matters are fully understood and clarified.
 - 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.nicholls@pitstonepc.org or 64 Marsworth Road, Pitstone, LU7 9AS
 - d. Your initial written correspondence should include (a) the detail of your complaints including any relevant events, dates, names of members/staff/contractors (b) your contact details (c) if you wish your complaint to be treated confidentially.
2. 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 acknowledge receipt of your written complaint within 14 days of receipt (to allow for any annual leave). We will also confirm the next steps in the complaints process.
3. 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 then 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.

4. 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 always however remain confidential to (and be kept confidential by) the parish council .
5. 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.
6. 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 5 above that has not yet, as a consequence, been disposed of. The identity of the complainant shall always however remain confidential to (and be kept confidential by) the parish council .
7. 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 6 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. A parish council may only properly consider matters where all the evidence and documents have been provided to members with 3 clear days' notice of the meeting, to ensure that all the circumstances have been properly understood and investigated. Therefore, it is important that any complainant provide any new or additional documentation or evidence to the parish clerk (or Chairman should the matter relate to the clerk) ahead of any such distribution deadline. Any new matters raised at a council meeting, without prior consideration, may result in the matter being deferred to a subsequent meeting.
 - b. The parish council may in its absolute discretion consider whether the circumstances of any complaint, and/or any representation from the complainant, 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.
 - c. Any such meeting will include an opportunity for the complainant to outline their grounds for complaint as well as an opportunity for the complainant to answer questions from members of the council. It will also include an explanation of the parish council's position, including an opportunity for the complainant to ask related questions.
 - d. 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 outside 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. If, following the outcome of the complaint, the council decides that there may be a need to take disciplinary action, this will be conducted in accordance with the internal Disciplinary and Grievance Arrangements in place at the time, and therefore falls outside the scope of this policy.

8. Subject always to paragraphs 9-14 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, and keep the complainant updated.
9. 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, provided reasons for that decision and details of any action to be taken by the parish council in furtherance of it.
10. The Parish Council will endeavour to resolve all complaints within 12 weeks from receipt to resolution, but flexibility may be required to deal with lengthier or more complex complaints.
11. 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.
12. Occasionally it might be necessary to notify the council's insurers of a complaint immediately. This could be appropriate if a complaint seeks redress for personal injury, damage to property or other financial loss or where the council is at risk of being held liable in law to pay damages or provide another legal remedy. In such instances, the council will take instruction from its insurers as to how to handle the complaint. Any such advice will supersede and replace this documented procedure.
13. If a complainant has threatened to take legal action against the council, or legal proceedings have already begun, the council will seek professional legal advice about how to respond to the complaint. Any such advice will supersede and replace this documented procedure.
14. 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).

4. 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:

- Requiring contact in a particular form (for example by letter only)
- Requiring contact to take place with a named officer
- Restricting telephone calls to specified days and times
- Restricting ability to contact us by email
- 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".

5. Data Protection and Confidentiality

To ensure compliance with our obligations in the Data Protection Act 1998, the council will not disclose the identity, contact details or other personal data about an individual complainant unless he consents or disclosure is otherwise fair and lawful under the 1998 Act eg for the purpose of discharging the council's functions or for the performance of contractual obligations.

No such personal details will appear on a public agenda or minutes, but the matter under consideration and any resolutions arising will be documented. The identity of a complainant will only be made known to those in the council who will consider the complaint.

6. Review

This policy was adopted by Pitstone Parish Council on Minute Ref:.....

and will be reviewed at least annually.

Chairman