



RUDGWICK PARISH COUNCIL COMPLAINTS PROCEDURES POLICY

Date Adopted	Minute Number	Review Date
9 May 2016		
14 May 2018	46/18	May 2019
13 May 2019	FC021-19//20	May 2020
August 2020	FC105-20/21	May 2021

COMPLAINTS PROCEDURE

1. GENERAL COMPLAINTS

1. Background

Rudgwick Parish Council believes a complaints procedure demonstrates that the Council:

- wishes to provide a good service
- is committed to listen to and act upon residents' views
- undertakes its business in an open and honest manner
- wishes to deal with complaints fairly and expeditiously

The Council believes that complaints and suggestions provide a valuable opportunity for improving its services and performance.

2. What is a Complaint?

For the purposes of this procedure, a complaint is defined as: An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff affecting an individual, group or organisation.

This definition covers most complaints – such as:

1. dissatisfaction with the administration of policy and decisions;
2. delays in responding to service requests;
3. failure to achieve standards of service;
4. failure to fulfil statutory responsibilities;
5. employees' behaviour or attitude.

3. Complaints about Members of Rudgwick Parish Council

All Councillors have signed an undertaking that they will observe the Council's Code of Conduct. The Code - which is the Model Code of Conduct for Members approved by Parliament – specifies a Councillor's obligations. Alleged breaches of the Code should be made in writing to:

The Monitoring Officer
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL
E-mail: standards@horsham.gov.uk.

Further information is available from the Horsham District Council website.

4. Complaints against a Member of Staff

This type of complaint would normally be dealt with as an employment matter and pursued, as necessary, in the light of the Council's disciplinary procedure. The complainant should be advised accordingly that the matter is being dealt with internally and that appropriate action will be taken as appropriate. Details of that action will be communicated to the complainant.

5. Complaints about the Council's Procedures or Administration

The complainant will be asked to put the complaint in writing by letter or e-mail to the Clerk to the Council at the Parish Office, Rudgwick Hall, Bucks Green, Rudgwick, West Sussex RH12 3JJ. E-mail clerk@rudgwickpc.co.uk. Refusal to put a complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing. Assistance shall be given to the claimant if necessary.

Most complaints, whether oral or in writing, will be reviewed by the Clerk whose responsibility it is to investigate, as necessary, and respond as quickly as possible. In normal circumstances a response should be sent within 10 working days. Where this is not possible an interim response should be sent giving an indication of when a full reply can be expected.

If a complainant is dissatisfied with the full response, this fact should be drawn to the attention of the Chairman of the Council. In consultation with other Members, as necessary, and after obtaining any further relevant information, the Chairman will issue a further response.

6. Complaints about Services Provided by Other Public Organisations

Given that some public services in Rudgwick are provided by either Horsham District Council or West Sussex County Council - and that the division of responsibilities between public bodies can often be confusing – Rudgwick Parish Council will advise, and, if appropriate, assist those wishing to pursue complaints against other public organisations providing services in the village.

If the complaint cannot be resolved through Complaints Procedure the Clerk should be informed and will instigate the Formal Complaints Procedure.

2. FORMAL COMPLAINTS PROCEDURE

1. Initial Stage

1. All formal complaints shall be dealt with by the Complaints Committee of the Parish Council.
2. The Complaints Committee shall be appointed annually at the Annual Meeting of the Parish Council
3. in May and shall consist of at least 4 members.
4. Decisions of the Complaints Committee to be announced at the next full Parish Council.
5. All formal complaints shall be heard in public unless the Complaints Committee expressly resolves to exclude the press and public due to the confidential nature of the complaint.

2. Before the Committee/Council Meeting

6. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the Clerk. Assistance shall be given to the claimant if necessary The letter must state that a formal complaint is being lodged and include the following information:
 - i) the name, address and telephone number of the complainant
 - ii) the nature of the complaint
 - iii) copies of any relevant documents or other evidence to be relied on at the hearing
7. If the complainant does not wish to put the complaint to the Clerk, he or she should address it to the Chairman of the Council.
8. The Clerk or Councillor shall acknowledge receipt of the complaint and advise the complainant that the matter will be considered by the Complaints Committee within 28 days.

9. The complainant shall also be advised as to whether the complaint will be treated as confidential or whether it is to be heard in public by the Complaints Committee. A copy of this procedure shall also be given to the complainant.
10. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
11. The complainant will need to provide the Council with any documentation or other evidence, not already supplied, seven clear working days prior to the meeting. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

3. At the Committee Meeting

12. The Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
13. The Chairman shall introduce everyone and explain the procedure.
14. The complainant (or representative) shall outline the grounds for the complaint and, thereafter questions may be asked by (i) the Clerk* and then (ii) members.
(*The Clerk shall normally represent the council through the proceedings but a nominated councillor may act instead.)
15. The Clerk shall have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
16. The Clerk and then the complainant, shall be offered the opportunity to summarise their position.
17. The Clerk and the complainant shall be asked to leave the room while members decide whether or not grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
18. The clerk and complainant shall be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they shall be advised when the decision is likely to be made and when it is likely to be communicated to them.

4. After the Meeting

19. Any decision shall be announced at the next full Parish Council meeting.
20. The Clerk shall confirm the decision in writing to the complainant within seven working days together with details of any action to be taken.

5. Appeals

21. Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.

22. The councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
23. If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration as at **2.** but at a Full Council Meeting rather than the Complaints Committee Meeting.

3. HABITUAL AND VEXATIOUS COMPLAINTS

1. Background

Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.

The council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.

2. Aims of this Section

The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made follow agreed guidelines and procedures.

3. Guidelines

Councils must try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant with special needs; suggesting an independent representative to help present their case.

Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

4. Procedure

1. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or Vice Chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.
2. The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.
3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The council should give appropriate support (e.g. special needs) to the complainant in choosing a representative etc.
4. The Chairman/Vice Chairman must:
 - Listen to the grievance/complaint
 - Assure the complainant of confidentiality with personal details

- Carefully explain what action the council has taken within its remit to resolve the complaint
- Offer any relevant support about the complaints procedure to the complainant
- Suggest complaint routes available if complaint is outside the council's remit
- Explain how the complainant's actions are of concern but are hampering the complaints procedure
- Explain what actions the council may take
- Seek an assurance that the persistent/unreasonable nature of complaint will be addressed

5. The outcome and relevant details of the meeting should be noted.

6. Decision

1. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or Vice Chairman should seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.
2. The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
3. The council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act.
4. The Clerk must notify all councillors and members of staff as appropriate.
5. Any new complaint from any person who has come under the policy must be treated on its merit.

7. Review

The decision taken at Section 6 should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply the policy has been reversed.