Piddle Valley Parish Council

Complaints Procedure

1. Background

Constituents may wish to complain about the decisions or the procedures of PVPC. They may also wish to complain about the conduct of Councillors or the staff of PVPC.

This complaints procedure was put in place having regard to a model code of practice produced by the National Association of Local Councils. Every elector has the right to raise any matter affecting parish business at the annual parish meeting, and a group of electors has the power to call for a poll on any issue which affects the parish. Concerns can also be raised personally during the democratic period at the beginning of the regular Parish Council Meetings, which is open to all. However, there is no single organisation which oversees Parish Councils.

PVPC will therefore strive to settle complaints and satisfy complainants in the interests of serving the best interests of the Piddle Valley Community. Please note, at present, once a final decision has been made by the Parish Council there is no further appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils. There is, of course, recourse to the ballot box at the next Parish Council election.

2. Complaints

The route to complain depends upon the subject of complaint. The Clerk and Chair should be able to advise a Complainant but generally the following applies:

• Financial Irregularities: the Parish Council will appoint an auditor to investigate the complaint or contact the Audit Commission. The Complainant can also contact the Dorset Council auditor.

• Criminal Activity: should be reported to the Police

• Conduct of an Individual Councillor: complaints should be made directly to the Monitoring Officer, Dorset Council. This procedure is aimed primarily at settling complaints about the actions, or lack of action, and procedures of PVPC.

However, please contact us about any concerns you have regarding PVPC. If a complaint is made to a Councillor it is their duty to inform the Clerk or Chair.

3. Complaints Concerning the Clerk

Complaints concerning the Clerk will be dealt with as an internal, employment matter, to protect the employment rights to which employees of the Parish Council are entitled.

Complaints should be made to the Chair, either personally, by email, by telephone, or in writing. The complainant will be informed of any action taken.

4. Informal Complaints

Many complaints may be able to be dealt with informally by consulting with the Clerk or Chair without resorting to the formal procedure. Contact can be made by phone, email or in

person. Attempts will be made to resolve any issue and ensure that the Complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly. Such informal complaints will be reported to the Parish Council by the Chair or Clerk.

5. Formal Complaints

5.1 Prior to Hearing the Complaint

The Complainant should complain in writing to the Clerk or to the Chair of the Council. The letter should include the complainant's name, contact details, and details of the complaint (including any details of third parties and their involvement).

The Clerk or Chair will acknowledge receipt of the complaint within seven days, and advise them when the matter will be considered by the Council and whether it will be treated confidentially. The Complainant will be invited to attend the meeting and to bring a Representative if wished. Not later than seven clear working days prior to the meeting, the Complainant and the Council will provide each other with copies of any documentation or other evidence to be relied on. Ideally the meeting will be the next full Council meeting unless the meeting is deferred (for example in instances where advice is required regarding issues of law or practice).

5.2 Hearing the Complaint

The complaint will be heard by the full Council apart from two nominated Councillors who will be available, if required, to handle any subsequent appeal. The Clerk or a nominated Councillor will represent the Council through the proceedings.

At the Meeting the Council will consider whether the circumstances of the meeting warrant the exclusion of the public and press. The Chair will introduce everyone and explain the procedure. The Complainant (or their Representative) will be asked to outline the grounds for complaint before any questions are put, firstly from the nominated Council Representative and then from Councillors. The Council Representative will present the Council's position, if relevant, before any questions are taken from the Complainant or from Councillors. The Complainant and the Council Representative will have the opportunity to summarise their position and will then leave the room while members decide whether or not the grounds for the complaint have been made. If any point of clarification is required they will be invited back before being asked to retire again. The Council Representative and Complainant will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day an estimated date will be given.

The decision will be confirmed in writing within seven working days together with details of any action to be taken. The result of the proceedings will be reported at the next Council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

5.3 Appeals

If the Complainant does not agree with the decision PVPC will agree that complainants can appeal the decision within fourteen days of receipt of the result of the proceedings. The Councillors nominated to handle the appeal will, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint. 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 at the next Parish Council Meeting, allowing seven clear working days before

the meeting to inform the Complainant so that they can attend the meeting (with representation if required).

6. Habitual and Vexatious Complaints

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

PVPC will endeavour to deal with complaints in an efficient, equitable and effective manner. However, we may have to initiate further action, if the Complainant behaves in ways which impede the investigation of the complaint, have significant resource implications, hinder the complaints service for others, or are offensive, abusive or threatening. We must ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

To facilitate the process, if requested, we will suggest an Independent Representative to give advice concerning their case and offer relevant support for a Complainant with any particular needs.

The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the Chair or Vice Chair to ensure that the complaint has been dealt with according to the Council's complaints procedure. They will contact the complainant, or their Representative, in an effort to resolve the situation. If there is a personality issue, the Complainant may request to deal with another Councillor who will be made aware of all the facts.

The Council Representative will listen to the complaint, will assure the Complainant of confidentiality with any personal details and will explain what action PVPC has taken within its remit to resolve the complaint. They will explain how the complainant's actions are of concern but are hampering the complaints procedure and, if necessary, seek an assurance that the persistent and unreasonable nature of the complaint will be addressed. The outcome and relevant details of the meeting will be noted. If the Complainant continues to behave in unreasonable and/or vexatious way, the Chair or Vice Chair will seek the approval of the Council to either restrict or refuse any further contact. In the event of a seemingly persistent facetious or malicious complaint, the Council may consider legal action. The Complainant will be advised by letter from the Clerk of the action.

The Council will 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. The Clerk will notify all Councillors as appropriate. The decision will be reviewed after 6 months. The Complainant will be notified if a decision to apply the policy has been reversed.

If a person who has made a habitual or vexatious complaint under this policy makes a new complaint, it must be considered on its merit.

7. Anonymous Complaints

Anonymous complaints will be ignored.

Adopted on: 30 April 2019

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Next review due: 2027