

COMPLAINTS PROCEDURE

Wickham Bishops Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council, and to conducting its business in a fair, transparent and impartial manner.

A complaint is a statement that something is unsatisfactory or unacceptable. Should one or more members of the public be dissatisfied by the action or inaction of the Council or a person acting on behalf of the Council, this Complaints procedure exists to find a solution which is satisfactory to both the complainant and the Council and to help to improve the future service.

This Complaints Procedure does not cover complaints against an individual Councillor or employee of the Council; neither does it cover complaints of financial irregularity or criminal behaviour. These complaints have their own procedures and remedies as detailed in the table following. Rather, this complaints procedure will be followed when dealing with complaints about the Council's administration or its procedures.

The Council receives queries, problems and comments as part of its day to day running and it is not appropriate for every issue to be treated as a formal complaint. Every effort will be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision. All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.

The complaints procedure will not apply to complaints made anonymously.

COMPLAINT TYPES OUTSIDE THE ADOPTED COMPLAINTS PROCEDURE

| TYPE | REFER TO |
|----------------------------------|---|
| 1. MEMBER CONDUCT | <p>Where a member is alleged to have failed to comply with the local council's Code of Conduct, refer to the Monitoring Officer at Maldon District Council. The Monitoring Officer may consult one of the council's appointed Independent Persons before deciding on the course of action to be taken, as prescribed in the Localism Act 2011. Complainants may call 01621 854477 or write to:</p> <p style="padding-left: 40px;">The Monitoring Officer Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL</p> <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor and will not deal with complaints about matters that are not covered by the Councillors' Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.</p> |
| 2. EMPLOYEE CONDUCT | Personnel Committee and internal disciplinary procedure |
| 3. FINANCIAL IRREGULARITY | Council's auditor and the local elector's statutory right to object to the Council's audit of accounts (s.16 of the Audit Commission Act 1998) |
| 4. CRIMINAL ACTIVITY | Police |
| 5. POLICY DECISION | Parish Council or relevant Committee as appropriate for consideration |

INFORMAL COMPLAINTS

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chairman of the Council. If a complaint is made to a Councillor, it is their duty to notify the Clerk or the Chairman.

The Clerk or Chairman of the Council will speak directly to the complainant and will attempt to resolve the complaint and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly.

If the Clerk or the Chairman cannot satisfy a complaint in an informal way, the formal complaints procedure will be instigated.

FORMAL COMPLAINTS

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chairman of the Council. The letter should contain the following information:

- Name, address and telephone number of the complainant;
- Details of the complaint about the Council's procedures or administration;
- How the issue has affected the complainant;
- Copies of any relevant documents or other evidence;
- Details of third parties and their involvement;
- What action the complainant believes will resolve the complaint.

The Clerk will acknowledge receipt of the complaint within five working days and will advise the complainant when the matter will be considered. A Committee will be appointed, which will normally be at the next appropriate meeting of the Council, and the Committee will hold a meeting to investigate the complaint and determine the outcome. The complainant will be invited to attend the meeting and to bring with them a representative if they wish. The identity of a complainant should be made known only to those who need to consider a complaint.

At least seven clear days prior to the meeting, the complainant must provide to the Clerk copies of documentation or other evidence on which the complaint relies. Within the same timescale, the Clerk will provide to the complainant copies of any documentation to which the Committee wishes to refer at the meeting.

AT THE MEETING

The Committee will consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

The Committee Chairman should introduce everyone and explain the procedure. The complainant or their representative should outline the grounds for complaint and afterwards questions may be asked by the Clerk and Councillors.

The Clerk or a nominated Councillor will present the Council's position relating to the complaint (if necessary) and afterwards questions may be asked by other Councillors. The Clerk or nominated Councillor and the complainant or their representative will then be offered the opportunity to summarise their position.

The Clerk or nominated Councillor and the complainant and their representative will be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.

The Clerk or nominated Councillor and the complainant and their representative will be given the opportunity to wait for the decision if the decision is likely to be finalised on that day, otherwise they should be advised when the decision is likely to be made and how and when it will be communicated to them.

AFTER THE MEETING

The decision will be confirmed in writing within seven working days, together with details of any action to be taken and if necessary, a full and frank apology.

HANDLING VEXATIOUS OR ABUSIVE COMPLAINTS

There may be circumstances when a complainant persists in wishing to proceed when there is clearly no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. These matters should be referred to the Clerk or Chairman and in the event of a persistent serial facetious, vexatious or malicious complaint, the Council may deal with matter in one or more of the following ways:

- In writing, stating that the Council has responded to the complaint and exhausted all reasonable avenues open to it to resolve the issue to the complainant's satisfaction. The complainant will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence about the complaint;
- In writing, informing the complainant that the Council considers the complaint vexatious and is considering legal advice;
- In writing, restricting or temporarily suspending all contact with the complainant in connection with the complaint. Restrictions may take the form of time limits on conversations, methods of contact and to certain Councillors or Officers, as the Council deems appropriate.

Approved and Adopted by Wickham Bishops Parish Council.

Signed:

Date: