

# WINTERBOURNE STOKE PARISH COUNCIL

## COMPLAINTS PROCEDURE

The following Complaints Procedure has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration.

Winterbourne Stoke Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously. All complaints will be treated as confidential.

### 1. Complaints handled by the Parish Clerk

1.1 It is hoped that most complaints can be resolved quickly and amicably through this route.

1.2 Initial complaints can be made by telephone, email or letter. The complaint will be handled by the Clerk.

1.3 Complaints must always be directed through the Clerk, not through individual Councillors.

1.4 A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not authorised to resolve complaints.

1.5 It is expected that most complaints can be resolved through this route. However, the Council appreciates that on occasions if an informal approach had not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

### 2. Complaints handled by the Parish Council

2.1 The Clerk is responsible for managing the complaints process. The Clerk is the Proper Officer of the Council. However, if a formal complaint is being raised against the Clerk, then the process should still be followed but the Chairman of the Council would take the place of the Clerk in managing the process.

2.2 A formal complaint must be submitted in writing to the Parish Council's official address, and marked for the attention of the Clerk or Chairman as appropriate. The complaint should cover as much detail as possible and enclose any relevant support documentation.

2.3 The Clerk or Chairman will acknowledge receipt of the complaint, in writing, within ten working days

2.4 The Clerk or Chairman will carry out an initial investigation into the complaint and will within twenty one working days provide the complainant with an update on progress, or a suggested resolution. The complainant will be offered the opportunity to make a verbal representation as an alternative to receiving a written statement. Complainants will be advised that verbal representation will lengthen the period for dealing with the complaint. If the complainant is satisfied with the resolution the complaint is closed.

2.5 The Clerk or Chairman will report to the Council at its next scheduled meeting, summary details of the complaint and a brief summary of its resolution. This summary report will exclude any information that would name the complainant or a member Council Staff, or information that would enable them to be identified. It should be noted that Parish Council meetings are scheduled once every two months and this may introduce a delay in proceedings.

2.6 If the Clerk or Chairman is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution than the matter will be referred to the next Council meeting.

### **3. Action against Council staff**

3.1 A complaint against a member of the Council's staff could result in disciplinary action or in cases of gross misconduct dismissal from the Council's employment.

3.2 The Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

### **4. Complaints against Councillors**

4.1 The Winterbourne Stoke Parish Council complaints policy does not cover complaints against an individual Councillor. If anyone wishes to make a complaint about the behaviour of an individual Councillor they must write to:

The Monitoring Officer,  
Wiltshire Council,  
Bythesea Road,  
Trowbridge,  
Wilts  
BA14 8JN

4.2 The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters that are not covered by the Councillors Code of Conduct.

4.3 Complaints must be about a Councillor's failure to follow the Code of Conduct. The Monitoring Officer will not look at complaints that are about people employed by the Parish

Council; incidents that happened before a member was elected or chosen to serve; incidents that happened before the authority adopted its Code of Conduct; the way an authority conducts or records its meetings; the way an authority has or has not done something or decision of the authority or one of the services it provides.

## 5. Repeated or vexatious complaints

5.1 A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious (they are vexatious). This will require a disproportionate amount of resource and can sometimes act in a manner that is unacceptably stressful for staff or Councillors.

5.2 Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable or which has the effect of intimidating or harassing staff.

5.3 A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner

### Related Documents

	Code of Conduct Disciplinary Procedure Grievance Procedure
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### Adoption and Review History

Adopted at Parish Council Meeting on:	2nd August 2018
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Reviewed On:	
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Next Review Due:	September 2021
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