

**Sedlescombe Parish Council  
Complaints Policy and Procedure**

**Introduction:**

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist residents to deal with complaints against actions of the Council's staff or its administration. Its aim is to ensure that a reasonable, accessible, and transparent process of dealing with complaints is adopted.

Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils as corporate bodies in England and there are no provisions for another body to which complaints can be referred. The Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. The Council receives queries, problems and comments as part of its day-to-day business and these should not all be regarded as complaints.

Sedlescombe Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously. In the event of a seemingly facetious, vexatious or malicious complaint, the Council may consider taking legal advice.

Sedlescombe Parish Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community of Sedlescombe. The Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 when dealing with complaints. The Council always welcomes feedback from the public.

Sedlescombe Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and will investigate all complaints promptly in an impartial manner and to find a solution which is satisfactory to both the complainant and the Parish Council.

Complainants can be members of the public, councillor's or employees of the Council.

Complaints about an employee of the Parish Council will be dealt with as an employment matter in accordance with employment law. The complainant can be assured that the matter will be dealt with internally and appropriate action taken as necessary. This will remain confidential all times.

Sedlescombe Parish Councils complaints procedure does not cover complaints against an individual Councillor's behaviour. If you wish to make a complaint about the behaviour of an individual Councillor you must contact:

The Monitoring Officer  
Rother District Council  
Town Hall  
London Road  
Bexhill on Sea  
TN39 3JX

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.

**Definition of a Complaint:**

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service provided by the Council itself or a person or body acting on behalf of the Council.

When a complaint is made against a local council, member(s) of the council or staff are likely to be

mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employee or member(s) of the council.

Such complaints may include:

- A failure to provide a service at the level or standard expected
- The standard of behaviour of a person delivering a service for or on behalf of the Parish Council
- The failure by the Parish Council's to operate within its statutory powers, agreed policies and procedures in the management of the Parish Councils affairs.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint. Informal complaints are handled by the Clerk. If complaints are made to the Council either in person, by telephone, letter or email the Clerk will try to resolve the complaint informally in a timely manner. It is hoped that most complaints can be resolved quickly and amicably through this route. In the event that the informal process does not satisfy a complainant Sedlescombe Parish Council has a formal complaints procedure that should be followed.

### **Formal Complaints.**

Sedlescombe Parish Council will handle complaints in a Full Council meeting or nominate a minimum of three councillors, who are not involved in the particular case, who will establish a complaints committee. The clerk will normally represent the council through proceedings but there may be circumstances where a nominated Councillor will act instead.

Complaints must always be directed through the council office, The Red House, Lower Street, Ninfield, Battle, TN33 9ED, to the clerk, or by email [clerk@sedlescombeparishcouncil.gov.uk](mailto:clerk@sedlescombeparishcouncil.gov.uk) not through individual councillors. A complainant may advise a Councillor of the details of the complaint, but individual councillors are not authorised to resolve complaints. If the complainant does not wish to put the complaint to the Clerk, he or she should address it to the Chair of the Council C/O the council office or by email [cllr.vine-hall@sedlescombeparishcouncil.gov.uk](mailto:cllr.vine-hall@sedlescombeparishcouncil.gov.uk)

The clerk/chair of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days.

In certain circumstances it may be appropriate to use bodies other than Sedlescombe Parish Council in respect of the types of complaint as detailed in Appendix 1. The Complainant will be informed of which category the complaint falls under and the action required.

### **Confidentiality**

Initially the identity of a complainant will only be made known to those who need to consider a complaint. The complainant will be advised whether the complaint will remain confidential or whether notice of it will be given in the usual way. Care will be taken to maintain confidentiality where circumstances demand, e.g. where matters concern financial or sensitive information or where third parties are concerned.

The letter should contain the following information:

- Name, address and telephone number of the complainant
- Details of the complaint against 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

Should the Parish Council consider a conflict of interest exists due to the nature of the complaint, the Parish Council will reserve the right to appoint an independent person as recommended by East Sussex Association of Local Councils or similar suitable body to undertake an investigation on behalf of the Parish Council. The findings of such an investigation will be referred to the clerk to consider and present to the Committee.

A mutually convenient date for a Complaints Hearing will be scheduled within 28 days.

- The Clerk will issue an agenda for the formal complaints hearing not less than three days before the formal hearing of the Committee.
- The Clerk will invite the complainant to bring with him/her a representative who may speak on his/her behalf.
- Any documentation not already supplied must be sent to the Clerk seven clear days before the meeting.
- If either party provides details, documentation or evidence less than seven days before the meeting, the Chair of the Committee will decide whether to admit it.

All formal complaints will be heard in public unless the Complaints Committee expressly resolves to exclude the press and public due to the confidential nature of the public.

- The Chair of the Committee will introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and then (ii) members of the Committee.
- The Clerk will explain the Council's position and questions may be asked by
  - the complainant and
  - members of the Committee.

The Clerk and then the complainant (in that order) will be offered the opportunity to make any final comments.

The committee will then consider the complaint in private for a maximum of 30 minutes. The committee can re-open the meeting if clarification of points is needed from either party, but both parties must be invited back to the meeting.

The Chair of the committee may adjourn the meeting if needed in order that specialist advice may be sought.

The Chair of the committee will ask all parties to re-join the meeting to inform them of the committee's recommendation.

If a recommendation cannot be reached at the meeting, the Chair of the committee will advise when the recommendation will be made and communicated to the complainant.

### **After the Meeting**

Any recommendation on a complaint will be minuted and announced at the next meeting of the Full Council in public ensuring that agreed confidential issues are appropriately respected. Within seven days of the Council accepting the recommendation of the Committee, the Clerk will put the decision in writing to the complainant. If a complaint cannot be settled by the Council it cannot refer the complaint to any other body for settlement.

### **Right of Appeal**

The Committee's decision is final.

If the complaint was not handled correctly by the council then it must be referred back to the committee for consideration following the correct procedures.

## **Repeated facetious vexatious or malicious complaints**

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that is unacceptable. 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 an employee or any councillor.

The Parish Council has adopted the Local Government Ombudsman's (LGO) definition of Vexatious to mean 'unreasonable complainant behaviour' and 'unreasonable persistent complaints'

The Council defined unreasonably persistent and vexatious complainants as those who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other peoples complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

A vexatious (including facetious or malicious) or persistent complaint can be characterised in a number of ways:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only

with the council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman

- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given (r) make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the council through different routes about the same issue
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident combine some or all of these features.

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.

In the first instance the clerk will contact the complainant in writing to explain why this behaviour is causing concern and ask them to change this behaviour. The clerk will explain the actions that the council may take if the behaviour does not change. If the behaviour does not change the clerk will refer the matter to the Chair, Vice Chair or a nominated councillor. The Chair, Vice Chair or nominated councillor will contact the complainant in an effort to resolve the situation.

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 will give appropriate support to the complainant in choosing a representative.

The Chair /Vice Chair/nominated councillor must

- Listen to the grievance/complaint
- Assure the complainant of confidentiality with personal issues.
- 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 the 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 assurance that the persistent/unreasonable nature of the complaint will be addressed.
- The outcome and relevant details of the meeting should be noted.

If the complainant continues to behave in an unreasonable and/or vexatious way the Chair /Vice Chair/nominated councillor should seek the approval of the rest of the Council to follow the policy and agree what action(s) to take.

The Full Council will decide if and how the complainant is to contact the council. The clerk will inform the complainant what restrictions have been put in place and for how long.

Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

The council must record the decision and hold all relevant correspondence about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act. The council

will retain a record of

- The name and address of each complainant who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the claimant and councillors were advised

Any new complaint from any person who has come under the policy must be treated on its merit. The decision taken should be reviewed by Full Council after 3 months and after the end of every subsequent 3 months within the period during which the policy is to apply. The complainant will be notified of the result of the review if the decision to apply the policy has been changed or extended.

Occasionally it might be necessary to notify the council's insurers of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss (e.g. in respect of libel) or where the council is at risk of being held liable in law to pay damages or to provide another legal remedy. It is important that the council takes instruction from its insurers as to how to respond to the complaint. A council's insurance policy is likely to include cover for the council's legal expenses in defending a legal claim or the threat of a legal claim against a council (and any related formal complaint against the council). The failure of a council to notify its insurers as soon as a legal claim is threatened or made may invalidate its insurance policy. Often, the legal expenses insurance cover for councils does not apply to all types of legal claims. For example, most legal expenses insurance policies do not provide legal expenses cover for the defence of a judicial review claim.

If a formal complaint about a council threatens legal action, and the council does not have insurance cover to defend allegations which may subsequently give rise to a legal claim, it is recommended to seek professional legal advice as to how to respond to the complaint and any remedies offered.

## Appendix 1

### Complaint Categories

Complaints outside this Code.

The complaints in the table below are excluded from this code.

A	Financial Irregularity	<p>Local elector's statutory right to object to a Parish Council's audit of accounts pursuant to the Local Audit &amp; Accountability Act 2014 S.27(1)</p> <p>On other matters, Parish Councils may need to consult their Internal Auditor / Audit Commission</p>
B	Criminal activity	<p>The Clerk should refer the Complainant to the Police.</p>
C	Member conduct	<p>If anyone wishes to make a complaint about the behaviour of an individual Councillor, they must write to the Monitoring Officer: Rother District Council, Town Hall, London Road, Bexhill, TN39 3JX</p> <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillor's Code of Conduct, complaints that are about people employed by the Parish Council, incidents that happened before a member was elected or chose to serve on the Parish Council.</p>
D	Employee conduct	<p>As an internal disciplinary matter, this should be dealt with under the parish council's disciplinary procedure. A complaint against a member of the parish council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the parish council's employment. The parish 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 staff. This is expressly to protect the employment rights to which all employees of the Parish Council are entitled.</p>

The complaints procedure will not apply to complaints made anonymously.

<b>Adopted</b>	<b>Reviewed</b>	<b>Next Review</b>
18 October 2022	October 2025	October 2028