

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.

4.3. Procedure

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.

The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.

In the case of a meeting, if there is a personal-ity 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.

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;

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

4.4. Decision

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.

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.

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.

The Clerk must notify all councillors and members of staff as appropriate.

Any new complaint from any person who has come under the policy must be treated on its merit.

4.5. Review

The decision taken at Section 4.4 should be reviewed after six months. The complainant must be notified of the result if the decision to apply the policy has been reversed.

Chapel-en-le-Frith Parish Council, Town Hall,
Market Street, Chapel-en-le-Frith, SK23 0HP

Tel: 01298 813320

Email: clerk@chapelpc.org

CHAPEL-EN-LE-FRITH PARISH COUNCIL



COMPLAINTS PROCEDURE

APRIL 2021

1. INTRODUCTION

This Complaints Procedure explains how to make a complaint about something the Parish Council has done. However, there are some complaints that cannot (*and will not*) be investigated by these procedures, and such complaints will not be publicised or discussed by the council to protect the identity of the complainant, to protect staff and councillors from malicious accusations, and to protect the integrity of any future investigation:

- if you suspect that **criminal activity** has taken place, you should contact the Police;
- **financial irregularities** should be handled by the council's external auditor – ask the clerk for contact details;
- complaints against **councillors** must be directed to the Monitoring Officer of High Peak Borough Council – ask the clerk for contact details; it is illegal for the Parish Council to investigate its own councillors;
- complaints against **members of staff** will be investigated by a separate internal disciplinary procedure – contact the Chair of the Parish Council or the Chair of the Personnel Committee with your concerns.

2. HEARING THE COMPLAINT

The Council will handle a complaint in a full council meeting, or will choose a panel of councillors (who are not involved with the particular case) to hear the complaint. Either way, two nominated councillors will not take part in the proceedings. They will then be available to handle any appeal, if required.

The Clerk should normally represent the council through the proceedings but a nominated councillor may act instead.

3. THE PROCEDURE

3.1. Before the Meeting

The complainant should complain by letter or email to the Clerk or the Chairman of the

Council. Assistance should be given to the claimant if necessary.

The complainant should be advised when the matter will be considered and whether it will be treated confidentially or heard in public. A copy of this procedure should also be given to the complainant. The complainant should be invited to attend a meeting, with a representative if they wish.

Not later than seven clear working days before the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

3.2. At the Meeting

The Chairman of the meeting should introduce everyone and explain the procedure.

The complainant (or representative) should outline the grounds for complaint before any questions from the Clerk and then from members if present.

The Clerk should explain the council's position before any questions from the complainant, and from members if present.

The complainant and the Clerk should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.

If the decision is unlikely to be finalised on that day an estimated date will be given.

3.3. After the Meeting

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

3.4. Appeals

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.

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.

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 3.2.

The appellant should be notified of the result of the appeals process within fourteen days.

4. HABITUAL AND VEXATIOUS COMPLAINTS

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.

4.1. 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.

4.2. 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;