

Morval Parish Council

Code of Practice for Handling Complaints

Morval Parish Council recognises that complaints are important as they allow it to learn from its mistakes and to put things right when things have gone wrong. It recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members, its employee or its contractors. To address these issues in a fair and impartial way, the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint, or have been unfairly treated in their dealings with the Council staff, Councillors, the Council its Committees or any contractor carrying out its business.

How to Complain:

In the first instance any complaint can be made to the clerk in any of the following ways:

- By telephone: 01579 326152
- In writing: Elnor, Tremabe Lane, Dobwalls, Cornwall, PL14 6JT
- By email: morvalparish@aol.com
- Via the web-site: www.morvalparishcouncil.org.uk

When contacting the clerk, please provide:

- Your name and contact details so that a response can be provided to you
- Details of the complaint including the date of the incident and if possible, the time
- What action you are requesting that the Council take to resolve your complaint

Timescale:

- Generally, complaints will be dealt with as quickly as is possible with a target of no longer than 28 working days, however, complainants should understand that there will be times when this might not be possible due to meeting dates should the matter need to go to Council etc.

General:

- A complaint will not be considered if it is reasonably expected that it could be the subject of court or a tribunal or because it constitutes a disagreement with or refusal to accept a rule of law which the Council is applying.
- Anonymous complaints will not be considered.
- Complaints will not be accepted if they are made on behalf of other people except where there are compelling reasons to do so.
- Complaints will not be accepted on behalf of another organisation without that organisation's written permission for the complainant to act on its behalf.
- Complaints will not be accepted about matters which the complainant has not witnessed themselves or which do not affect the complainant directly.
- As with most complaints policies, the Council will look to resolve any complaint at the lowest stage possible. Should the clerk decide it is necessary however, she may request the support of a neutral councillor or another independent parish clerk.
- The Council will be made aware of the details of all complaints and any outcome or resolution reached, regardless of the stage at which the complaint is dealt with.
- Complaints can be withdrawn at any time by submitting confirmation of the withdrawal in writing to the clerk but the complainant will be advised that the Council will still be made aware of the content of the complaint.

- Depending upon the nature of the complaint, the clerk may ask for it to be made in writing if it has been made verbally in the first instance.
- Whilst the Council accepts that when complaining, people can feel frustrated, upset and even angry, it will not accept anything that resembles a rant or is abusive to its members or its staff.
- Frivolous or vexatious complaints may be rejected and details of what may be considered frivolous or vexatious are given at the end of this policy.
- Where a meeting is deemed necessary to consider a complaint more fully, the complainant will be invited to bring a person to support them and the clerk will invite an independent clerk from another parish to witness the meeting.

Verbal Complaints:

- On receipt of a verbal complaint, the Clerk will try to satisfy the complainant immediately or as soon as is practicable.
- If the Clerk is unable to answer the complaint immediately, then full details of the complaint together with the complainant's telephone number etc. will be recorded so that a further verbal response can be made as soon as possible.
- If a verbal response is unable to satisfy, then the Clerk will ask that the complaint be put in writing in order that it can be investigated more fully.

Written Complaints:

- On receiving a written complaint, the Clerk shall try to settle the complaint directly.
- If the complaint is about the behaviour of a member or contractor of the Council, the Clerk must also notify the person and offer them the opportunity to comment on its content so that where possible, it can be settled at an early stage.
- If necessary, the Clerk will send a holding letter to the complainant to allow further time to address the issues raised.
- The Clerk or Chair-person shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date of the meeting. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting.
- The Clerk shall consult with the Chair-person to consider whether the written complaint warrants discussion at a Council meeting in the absence of the press and public, with the decision on the complaint being announced at the Council meeting in public.
- The Clerk will communicate in writing the decision that has been made by the Council and the nature of any action taken by the Council.

Complaints Made About the Clerk:

- Any complaint against the clerk of the council must be submitted in writing to the Chairperson.
- If a complaint is made against the actions of the Clerk, it will be considered as an employment issue and the Chair-person will present the complaint to the Council for consideration at a meeting held in the absence of the press or public.
- The Complainant may be invited to attend part of the meeting to explain the nature of their complaint, in the absence of the public and press.
- The clerk will have the opportunity to explain the nature of their actions to the meeting, in the absence of the public and press.
- The result of any council consideration of a complaint will be announced at a Council meeting in public.

Complaints Made About a Breach of the Code of Conduct by a Member of the Council:

Parish Councillors sign up to a Code of Conduct on taking office. The Council is unable to investigate complaints against any of its members. If you wish to submit a complaint for breach of this code you should do so to the Monitoring Officer at Cornwall Council whose contact details can be found on its web-site or provided by the clerk.

Frivolous or Vexatious Complaints and Habitual or Vexatious Complainers:

Complaints:

The Council understands that deciding whether or not a complaint is frivolous or vexatious is a balancing exercise that should take into account all of the circumstances of the complaint and so will consider the issues raised within it rather than who the complainant is.

Procedure to be followed:

If a complaint is received that appears on the face of it to be frivolous or vexatious:

- The clerk will send a letter to the complainant that acknowledges the receipt of the complaint and which explains that the matter will be put on the agenda for discussion by the Council at its next meeting in line with the legal timeframe for posting the agenda that she has to abide by.
- The Council will at that meeting, in a private session that excludes the press and the public, discuss and reach a decision as to whether the complaint is frivolous or vexatious.
- Where the decision is made that the complaint is not frivolous or vexatious, the procedure will be followed to seek a resolution for the complainant.
- Where the decision is made that the complaint is frivolous or vexatious, the clerk will communicate this to the complainant in a letter at the earliest possible time.
- No further communication surrounding the frivolous or vexatious complaint will be entered into with the complainant either by the clerk or any member of the Council.

Complaints that will fall into this category are those which:

- Are obsessive, persistent, harassing, prolific or repetitive
- Have unrealistic outcomes
- Are designed to cause disruption or annoyance
- Are demanding a redress which lacks serious purpose or value

Complainers:

The Council recognises that there can be situations where a complainant, either as an individual or as a member of a group of complainants might be considered habitual or vexatious.

Complainants who might fall into this group are those that:

- Persist in pursuing a complaint even after the Council's procedure has been fully and properly implemented
- Continually raise new concerns or ask new questions upon receipt of a response whilst the complaint is being addressed.
- Are repeatedly unwilling to accept documentary evidence given as being factual or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly are unclear when identifying the precise issues that they are complaining about.

- Repeatedly do not recognise that the complaint raised by them is not within the Council's remit to investigate.
- Repeatedly focusses on matters that are trivial to a degree where it becomes out of proportion to its significance or to the costs involved in resolving the matter
- Have in the course of raising their complaint had an excessive number of contacts with the Council
- Have placed unreasonable demands upon the clerk or the Council
- Have harassed or been personally abusive or verbally aggressive to the clerk or the members of the Council on more than one occasion
- Are known to have recorded meetings, face to face or telephone conversations without the prior knowledge of the clerk or members of the Council

In the very extreme case that a complainer is appearing to become persistent or vexatious the Council will discuss the matter in a private session that excludes the public and press. If it reaches a decision that the complainant is acting in a persistent or vexatious manner, the clerk will be instructed to write to the complainant to inform them of the Council's decision and to pass on the contact details for the Chair-person who will act as the named and only person for all contact with the complainant.

Under such circumstances, if the complainant should raise any new complaints about other matters directly with the Chair, they will seek to address the new complaints supported by the clerk and following the Council's usual complaints procedure.