

TRITLINGTON AND WEST CHEVINGTON PARISH COUNCIL
COMPLAINTS PROCEDURE

1. Introduction

The following policy 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.

Tritlington and West Chevington Parish Council will not acknowledge or consider complaints that are submitted anonymously.

Tritlington and West Chevington Parish Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community. The Council welcomes feedback from the public at all times.

Complaints must always be directed to the Parish Clerk and not through individual Councillors. A Complainant may advise a Councillor of the details of the complaint, which should be passed immediately to the Clerk, but individual Councillors are not authorised, under any circumstances, to resolve complaints independently.

This Complaints Policy does not apply to:

a) Employee conduct

As an internal disciplinary matter, this should be dealt with under the Council's disciplinary procedure. 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. 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 staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

b) Member conduct

A complaint against an individual Councillor is not covered by this Complaints Policy. If anyone wishes to make a complaint about the behaviour of an individual Councillor they must write to the Monitoring Officer, Northumberland County Council, County Hall, Morpeth, NE61 2EF.

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 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 Council, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides.

c) Illegal activity

Such activity should be reported to the Police.

2. How to Complain

You may make your complaint about Council administration or procedure to the Parish Clerk. You should provide your name and address and any relevant information to help us deal with the complaint. You may do this by phone, by post or by email:

Sara Brown
15 Tailor Way
Morpeth
NE61 2ZJ
Tel: 07984292229
Email: tritlingtonwestchevington.clerk@gmail.com

A written record of your complaint, including your name, contact details and the outcome will be kept for six years.

3. Stage 1 - Informal Procedure

On receipt of a complaint the Parish Clerk and/or the Chairman will try to resolve your complaint immediately and informally. If this is not possible, the Parish Clerk will normally acknowledge your complaint within ten working days. If your complaint is not clear, the Parish Clerk will seek to clarify it with you.

The Council will then investigate, obtaining further information as necessary from you and/or from staff or members of the Council.

Within twenty working days of the acknowledgement of the complaint the Council will send you a full written reply. If the investigation or written response will take longer than twenty working days the Council will let you know, explaining the reason for the delay and giving you a new timescale. If the Council does not hear from you within ten working days of its response, your complaint will be closed.

If you are dissatisfied with the Council's response to your complaint, then you may ask for it to be considered under the formal procedure. You should notify the Parish Clerk that you are dissatisfied with the response given and give the reason(s) why you remain dissatisfied. The Parish Clerk will acknowledge this and will instigate Stage 2.

4. Stage 2 - Formal Procedure

At Stage 2, a Complaints Committee will hold a formal hearing to review the complaint. The Complaints Committee will consist of all members of the Parish Council, at least four of whom must attend the formal hearing and make a decision on the complaint. If the Chairman is not present then the Vice-Chair will preside. If neither the Chairman nor the Vice-Chair is present then the Complaints Committee will elect a Chairman at the start of the hearing from those members in attendance.

The Parish Clerk will attempt to agree with the Complainant a mutually convenient date for the hearing and the Complainant will be invited to attend. They may bring one other person with them for support (not a legal representative). The hearing will usually be within four weeks of the instigation of Stage 2.

The complaint and Complainant's identity will be treated as confidential. The public and press will therefore be excluded from the hearing.

Any additional information or documents must be submitted as soon as possible to the Parish Clerk in advance of the meeting. If there are less than seven calendar days to the date of the hearing, the Chairman and the Parish Clerk will decide whether the new information or documents should be admitted and considered.

At the meeting:

- The Chairman will introduce everyone and explain the procedure.
- The Complainant will detail the complaint to the Committee. If the Complainant has chosen not to attend, the Parish Clerk will read out the original complaint.
- Members of the Committee may ask questions relating to the complaint.
- The Clerk or a Councillor will present and explain the Council's position relating to the complaint (if necessary).
- Members of the Committee may ask any question of the Parish Clerk or other members.
- The Clerk or a Councillor (first) and then the Complainant (second) will be offered the opportunity to make any final comments.
- The Complainant will then leave the room while the Complaints Committee considers its decision.
- If clarification of any point is necessary, all parties will be invited back into the meeting.
- All parties will be invited back into the meeting to hear the decision. If a decision cannot be reached at the meeting the Chairman will advise the Complainant when this will be made and communicated. The Chairman may adjourn the meeting if the Council needs to wait for legal or other specialist advice or if further information is needed.
- The decision will be confirmed to the Complainant in writing within twenty working days, giving reasons for the decision together with details of any actions to be taken.
- The outcome of the complaint will be reported at the next Council meeting.

The Complaints Committee's decision is final.

5. Abusive, Persistent or Vexatious Complaints

From time to time a Complainant, either individually or as part of a group, or a group of Complainants, might be considered to be habitual or vexatious.

This will require a disproportionate amount of resources and can sometimes act in a manner that is unacceptably stressful for staff. 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.

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.

A Complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council giving the reason and scope. This will be confirmed in writing to the Complainant.