



# BRAMSHAW PARISH COUNCIL NEW FOREST HAMPSHIRE

## Complaints Procedure

1. Bramshaw Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Policy sets out procedures for dealing with any complaints that anyone may have about Bramshaw Parish Council's administration and procedures. It applies to Bramshaw Parish Council's employees.
3. This Complaints Procedure does not apply to:
  - 3.1. *complaints by one council employee against another council employee, or between a council employee and the council as employer.* These matters are dealt with under the council's disciplinary and grievance procedures.
  - 3.2. *complaints against councillors.* Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 1<sup>st</sup> July 2012 and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of New Forest District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of New Forest District Council.
4. Complaints against policy decisions made by the Parish Council will be referred back to the Parish Council.
5. If a complaint about procedures or administration as practised by the Parish Council's employees is notified orally to a Councillor or to the Clerk to the Council, they should seek to satisfy the complaint fully.
6. If that fails, the complainant should be asked to put the complaint in writing to the Clerk to the Council and be assured that it will be dealt with promptly after receipt.
7. If the complainant prefers not to put the complaint to the Clerk to the Council they should be advised to put it to the Chairman of the Council.
8. On receipt of a written complaint, the Chairman of Council or the Clerk to the Council (*except where the complaint is about their own actions*) should try to settle the complaint directly with the complainant. This will not be done without first notifying the person complained against and giving them an opportunity to comment. Efforts should be made to attempt to settle the complaint at this stage.
9. Where the Clerk to the Council, or the Chairman of the Council, receives a written complaint about the Clerk to the Council's own actions, they should refer the complaint to the Chairman of the Council. The Clerk to the Council should be notified and given an opportunity to comment.

10. The Clerk to the Council, or the Chairman of the Council, should report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
11. The Clerk to the Council, or Chairman of the Council, should bring any written complaint that has not been settled to the next meeting of the Council. The Clerk to the Council should notify the complainant of the date on which the complaint will be considered and the complainant should be offered an opportunity to explain the complaint orally.
12. The Council should consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public ( e.g. when the matter is related to Grievance or Disciplinary or Model Code of Conduct proceedings that are taking place or are likely to take place, and when such a hearing may prejudice those hearings) but any decision on a complaint should be announced at the Council meeting in public.
13. As soon as possible after the decision has been made the decision, and the nature of any action to be taken, should be communicated in writing to the complainant.
14. The Council should defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint should be dealt with at the next meeting after the advice has been received.

## **Vexatious Complaints Policy**

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and details Bramshaw Parish Council's approach to the few complainants whose actions or behaviour we consider unacceptable.

### **Explanation of Terms**

- The term "complainant" includes anyone acting on behalf of a complainant or who contacts us about a complaint.
- This policy applies to everyone who receives a service or requests information from Bramshaw Parish Council, and to people acting on their behalf.
- For the purposes of this policy, "Bramshaw Parish Council" refers to the Parish Councillors of Bramshaw and anyone appointed by the Parish Council to work with, for or on behalf of the Parish Council.
- In this policy the term habitual means 'done constantly or as a habit'.
- The term "vexatious" is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that

we are attempting to deal with persons who seek to be disruptive to Bramshaw Parish Council through pursuing an unreasonable course of conduct.

### **The Policy**

1. We recognise that people may act out of character in times of trouble or distress. A complainant may have experienced upsetting or distressing circumstances before making a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. But the actions of complainants who are angry, demanding or persistent may put unreasonable demands on us or result in unacceptable behaviour towards Bramshaw Parish Council. We consider these actions unacceptable and aim to manage them using this Policy.

### **Aggressive or Abusive Behaviour**

2. Violence is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether oral or written, including electronic) that may cause us or anyone working with/for us to feel afraid, threatened or abused. Examples of aggressive or abusive behaviours include, but are not limited to:
  - . Threats
  - . Physical violence
  - . Personal verbal abuse
  - . Personal written (including electronic) or texted abuse
  - . Derogatory remarks
  - . Rudeness
3. Inflammatory statements and unsubstantiated allegations can also be abusive behaviour. We expect our members to be treated courteously and with respect. Violence or abuse towards members of Bramshaw Parish Council or anyone appointed by the Parish Council to work with, for or on behalf of the Parish Council is unacceptable.
4. If the action adversely affects our ability to do our work and provide a service to others, we may need to manage the unacceptable action by restricting complainant contact with us. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact. In extreme situations, we tell the complainant in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with us to either written communication or through a third party.
5. We do not deal with correspondence (letter, fax or electronic) that is abusive or contains allegations that lack substantive evidence. When this happens we tell the complainant that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop.
6. We record all incidents of complainant's unacceptable actions. If we decide to restrict complainant contact, we will make a note in the relevant file and on appropriate

Bramshaw Parish Complaints and Vexatious Complaints Policy.

computer records. A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.

**Contacts:**

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**Bramshaw Parish Clerk**

c/o Bramshaw Village Stores

Bramshaw

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