



Stratfield Mortimer Parish Council

Complaints Policy

Introduction

- 1 This is the Complaints Policy of Stratfield Mortimer Parish Council and adopts the definitions in the Council's Policy Guidance and Glossary.
- 2 The Council is committed to providing a quality service for the benefit of all those who live or work in its area or are visitors to the locality. We try to get our service delivery right every time, but there are occasions when users of our services may be dissatisfied with our performance for any number of reasons.
- 3 This Policy does not relate to certain complaints, in which case the procedure below should be followed:
 - **Financial Irregularity** - local electors have a right to object to the Council's audit of accounts further to the Local Audit and Accountability Act 2014;
 - **Criminal Activity** - must be referred to the police;
 - **Councillor Conduct** - complaints alleging a breach of the Council's Code of Conduct should be addressed to the Monitoring Officer at West Berkshire District Council.
- 4 This Policy relates to any other complaint ("a Complaint") by an individual or their representative ("the Complainant") about:
 - 4.1 the provision of, or failure to provide, a Council service or redress in respect of such a service;
 - 4.2 the administration of the Council or its procedures; or
 - 4.3 the actions of an individual or entity acting for the Council (a "Complainee").

Responsible Individual

- 5 The Clerk to the Council is responsible for dealing with all Complaints (unless the Complaint is about the Clerk or another Officer, in which case, (a) the Council Chairman will deal with it, and (b) references below to the Clerk are to be taken as references to the Chairman).

Complaint Type

- 6 A "Formal Complaint" is a Complaint which is either:
 - 6.1 a Complaint designated as being Formal by the Complainant;
 - 6.2 one of sufficient seriousness to be categorised as Formal by the Clerk upon receipt; or
 - 6.3 a Complaint initially designated as Informal that has not been resolved through the Informal Process.

7 An “Informal Complaint” is any other Complaint.

Process - General

Submission

8 The Clerk’s and/or the Chairman’s contact details are:

- Stratfield Mortimer Parish Council, Parish Council Office, 27 Victoria Road, Mortimer, RG7 3SH (the office is behind the Mortimer Library);
- the.clerk@stratfield-mortimer.gov.uk or chairman@stratfield-mortimer.gov.uk;
- 07436 807543.

9 Informal Complaints may be made by letter, telephone, email or a visit to the office.

10 Formal Complaints should be made in writing and addressed to the Clerk (or Chairman if the Complaint is about the Clerk or another Officer).

11 The Complaint should give as much detail as possible and enclose any relevant supporting documentation.

Confidentiality

12 All Complaints are treated with confidentiality with due regard for people’s privacy. The Council is not at liberty to discuss a Complaint with a third party, except as set out in this Policy.

Vulnerable Complainants

13 Where a Complainant is considered to be in a potentially vulnerable position:

- 13.1 a careful assessment of their individual circumstances must be made to ensure their subsequent fair treatment during the Complaints Process;
- 13.2 where it is suspected that a Complainant is vulnerable, and with the agreement of the Complainant, this will be recorded in any notes;
- 13.3 it is important that anyone investigating a Complaint does not contribute to any further suffering or financial detriment;
- 13.4 once a Complainant has been identified as vulnerable, or potentially vulnerable, it is important that a flexible approach is adopted to ensure fair and consistent treatment.

Receipt of a Complaint

14 If a Complaint is made verbally (eg by telephone or in person via a visit to the office), the Clerk will take down full details and make notes (including the date and the time that the Complaint was received).

15 If a Complaint is received via a Councillor this must be passed to the Clerk immediately to review, categorise as Informal or Formal, and handle accordingly.

Acknowledging a Complaint

16 Unless the Complaint is Informal and resolved immediately, the Clerk should promptly send an acknowledgement to the Complainant.

17 The response must contain the following:

- an acknowledgement of the Complaint and the date it was received;
- a reference to this Policy;
- an indication as to when the Complainant can expect a substantive response.

Unsubstantiated Complaints

- 18 Depending on the nature of the Complaint, for it to be considered/investigated, it may need to be substantiated, eg by evidence.
- 19 Where it appears to the Clerk that evidence is required, but not initially provided, the Clerk will request such from the Complainant.
- 20 If the Complainant fails to supply evidence as requested by the Clerk the Clerk may treat the Complaint as unsubstantiated, in which event the Clerk should inform the Complainant that they cannot progress the Complaint further.

Informal Complaints Process

- 21 It is hoped that most Complaints can be resolved quickly and amicably by a discussion/dialogue with the Clerk, and any actions necessary being taken.
- 22 On occasions where the Informal Process has not resolved the Complaint, or the initial Complaint is sufficiently serious, the Formal Complaints process will be followed.

Formal Complaints Process – Initial Stage

Investigation

- 23 The Clerk will carry out an initial investigation into the Complaint and, as soon as possible, either provide the Complainant with a suggested resolution or an update on progress.
- 24 If the Complaint is about an individual, the Complainee will be given the opportunity to respond.
- 25 In order to ensure that Complainants and Complainees are treated fairly and to identify any potential root cause, it is extremely important that a full and thorough investigation takes place in every instance:
 - 25.1 this may involve requesting historical records, liaising with Councillors, etc;
 - 25.2 it is imperative that full records are made of all investigation work;
 - 25.3 any documents used in the investigation should be saved as evidence;
 - 25.4 where telephone conversations have taken place, concise notes outlining the discussion and any decisions made, along with a rationale for that decision, should be made.

Result

- 26 Once the Clerk has concluded their investigation, a response will be issued to the Complainant, and Complainee if there is one, to include the following:
 - 26.1 whether the Complaint is upheld or not;
 - 26.2 the reasoning;
 - 26.3 any actions to be taken as a result;

- 26.4 any offer of redress if appropriate;
- 26.5 details as to how the Complainant may pursue the Complaint further if they remain dissatisfied (see below).
- 27 If the Complainant is satisfied with the suggested resolution the Complaint is closed and the Clerk will report to the Council, including summary details of the Complaint and a brief summary of its resolution (but excluding the name of the Complainant and, where relevant, the Complainee).
- 28 If the Complainant is not satisfied with the suggested resolution, or if the Clerk believes that the Complaint is sufficiently serious, a Complaints Panel will be constituted.

Formal Complaints Process – Complaints Panel

Procedure

- 29 The Panel will comprise four Councillors appointed by the Clerk who have not had any involvement with the subject of the Complaint.
- 30 In addition, at the discretion of the Clerk, a Councillor who is not a member of the Panel may be asked to investigate and present a report into the Complaint (the Nominated Councillor).
- 31 The Panel will agree with the Complainant, and where relevant the Complainee, a date, time and venue for a meeting to consider the Complaint.

Meeting

- 32 The meeting process will be flexible, and as informal as can be achieved in the circumstances, but should include:
- the Panel appointing a Chairman from amongst its members;
 - members of the Panel introducing themselves as necessary;
 - the Complainant setting out their Complaint and explaining what action they want the Council to take;
 - any Complainee having the opportunity to give a response;
 - where relevant the Nominated Councillor presenting their report;
 - the Panel, Complainant, and any Complainee, having the opportunity to ask questions of each other and, where relevant, of the Nominated Councillor;
 - the Complainant, and any Complainee, having an opportunity to sum up.

Decision

- 33 Following the meeting, the Panel will consider its decision and the Panel Chairman will provide the Complainant, and where relevant the Complainee, with that decision, in writing, within five working days of the meeting.
- 34 There will be no right of appeal from the Panel decision.

Abusive Complainants

- 35 Steps may be taken by the Council to protect Officers and Councillors from harassment and abuse:

- 35.1 the Council may refuse to accept communications from Complainants who are, or have become, abusive to Officers or Councillors, or who exhibit challenging behaviour which makes it difficult or impossible for the Clerk to engage with them;
- 35.2 such Complainants may be asked to communicate only by letter, and representatives may be asked to cease representation.

Persistent or Prolific Complainants

Introduction

- 36 Some Complainants may not accept the Council's response and may become persistent, contacting the Council in respect of a Complaint the Council considers concluded.
- 37 Genuine issues must be resolved but there will also be processes to manage continuing repetitive correspondence and contact.

Legitimate Complainant Concerns

- 38 Raising legitimate queries or criticisms of the Complaints Process as it progresses (for example if agreed timescales are not met) should not in itself lead to someone being regarded as an unreasonably persistent Complainant.
- 39 Similarly, a Complainant being unhappy with the outcome of a Complaint and seeking to challenge it once or more than once, should not necessarily cause them to be labelled unreasonably persistent – the Clerk should respond to reasonable expressions of dissatisfaction and requests for information.
- 40 Further, if additional information is provided which would potentially change the outcome of an investigation into the Complaint, the Clerk may choose to reopen the Complaint and investigate accordingly.

Unreasonable Complainant Behaviour

- 41 Unreasonable and unreasonably persistent Complainants may have justified Complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing Complaints which have no evidence to enable an investigation, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.
- 42 Behaviour which may lead to a Complainant being considered as unreasonable may include all or any of the following:
- declining to specify the grounds for the Complaint;
 - declining to accept the issues are not within the scope of the Complaints Process;
 - insisting that the Complaint must be dealt with in a way incompatible with the Complaints Process or good practice;
 - not cooperating with any investigation undertaken;
 - making unfounded allegations against Officers dealing with the Complaint;
 - badgering Officers or Councillors about the Complaint;
 - continuing to pursue a Complaint, or submitting further Complaints regarding essentially the same matters, after the Complaints process has been completed.

Resolving Unreasonable Complainant Behaviour

- 43 The Clerk, as necessary in discussion with the Council Chairman, will determine the point at which a Complaint is considered as prolific and/or persistent, following the criteria above.
- 44 The Clerk will ensure each Complaint is thoroughly assessed to ensure no items are overlooked and all issues raised have been previously addressed.
- 45 If the Complainant's behaviour is abusive or provocative, the Council may determine that only written representations will be acceptable, explaining why.
- 46 Where appropriate the Council may decide to decline to respond to further representations from the Complainant. In this event, the Complainant must be so advised, with reasons. This advice may include an indication that all correspondence will be read, but that no response will be provided in future.
- 47 Where correspondence includes or develops into requests for information these will be passed through the Freedom of Information process. This includes a process for deciding where a request for information becomes repeated or vexatious and is separate to the allocation of persistent/prolific status to a Complainant.