



COMPLAINTS PROCEDURE POLICY **Including Governing any Breach of the Code of Conduct.**

1. INTRODUCTION

Residents who live in, or near the Parish Council's area and who are affected by the Council's decisions are likely to be the main users of this Complaints Procedure Policy. It is vital that residents have confidence in the high standards of the Council, and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Codes of Conduct*. Equally, it is vital that councillors themselves have confidence in these mechanisms, and that investigations into such complaints abide by the principles of natural justice. It is generally in the interests of the complainant and the Council to try to resolve the matter informally through the normal channels of communication, rather than use of the formal Complaints Procedure.

The Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. Therefore, in the absence of a statutory mechanism, the Council's own procedures as set out here are the only way in which a complaint can be made and resolved.

The following Complaints Procedure 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. This procedure covers procedures for formal complaints made about the Council's administration, procedures, staff members, or councillors.

Bottisham Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously. Complaints must always be directed through the Council Clerk offices, not through individual Councillors. A Complainant may advise a Councillor of the details of the complaint, but individual Councillors are not authorised to resolve complaints. It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

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

Note: Complaints pertaining to Disclosable Pecuniary Interests and/or criminal activity shall be referred to the Police. The complainant shall be notified of this action and the Clerk shall also notify the Monitoring Officer at East Cambridgeshire District Council of the complaint and the referral.

Bottisham Parish Council also holds a Grievance Policy which can be found on Bottisham Parish Council website.

2. WHAT IS A COMPLAINT

Generally, this will be about the Parish Council's procedures or administration. It will be an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service – whether the action was taken (or the service provided by the Council) by the Parish Council or a person or organisation acting on behalf of the Council. If you wish to 'complain' about,

for example, street lighting or road conditions please note that these form part of the Parish Council's business and should be dealt with through the Clerk.

When a complaint is made against the Council, Members of the Council or staff are likely to be mentioned or complained about. However, a complaint against the Council should be treated as a complaint against the body corporate of the Council and not as a complaint against the Clerk or individual Members of the Council.

If the complaint is regarding the behaviour of a Councillor, then read Section 5 of this document. You can either contact the Clerk or the Monitoring Officer.

3. INFORMAL COMPLAINTS HANDLED BY THE PARISH COUNCIL OFFICE / CLERK

Complaints about the Council's administration or procedures should preferably be directed through the Council's office and not through individual councillors, as they are not able to resolve complaints. If, for whatever reason, a complainant preferred not to put their complaint to the Clerk, they should be advised to write addressed to the chair of the Council.

A complaint resolved in this way, by direct action with the complainant, will be reported to the next meeting of the Council. The information in the complaint should include the following:

- Details of the complaint including relevant events, dates, names of councillors (if the subject of the complaint) or staff (i.e., the Clerk) or contractors of the Council etc;

It is hoped that most complaints can be resolved quickly and amicably through this route.

If the Complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, they will be asked to submit a formal complaint in writing to the Council offices detailed below. Bottisham Parish Council has a formal complaints procedure that should be followed this is outlined below.

4. FORMAL COMPLAINTS HANDLED BY THE PARISH COUNCIL OFFICE / CLERK

- a. Any and all complaints should be made in writing. Unwillingness to put the complaint in writing will not necessarily mean that the complaint cannot be investigated but there is less room for confusion if a complaint is made in full and in the complainant's own words. The complaint should cover as much detail as possible and attach any relevant supporting documentation. The Clerk, as Proper Officer, will manage the process. However, if you request that your details remain confidential, this will be considered. We do not accept anonymous complaints.
- b. Complaints should be addressed to the Clerk to the Council:
Bottisham Parish Council, 41 Stow Road, Stow-Cum-Quy, Cambridge, CB25 9AD.
- c. On receipt of a complaint the Clerk, in consultation with the Chairmanship of the Parish Council, will ascertain the category of the complaint and take the relevant action with reference to the complaint category detailed in Appendix 1.
- d. The Clerk will acknowledge receipt of the complaint in writing, within 7 working days.
- e. The Clerk will carry out an initial investigation into the complaint, taking guidance from the Chair/Chairmanship of the Parish Council.

- f. The Clerk, within 10 working days of receipt of the complaint, will provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is closed and the Clerk will report summary details of the complaint and a brief summary of its resolution to the Council, at its next meeting.
- g. The complainant will be given 5 working days after this time to consider the Council response and confirm to the Clerk whether the complainant is satisfied; *or* whether an additional letter of apology from the councillor(s) would resolve the matter; *or* whether further action is required. In the event that the complainant does not inform the Clerk within the 5-day period as required by this Paragraph, the complaint shall be deemed to have been withdrawn.
- h. If the complainant is satisfied with the resolution, the complaint is closed and the Clerk will report summary details of the complaint and a brief summary of its resolution to the Council, at its next meeting.

If the complaint still cannot be resolved or the complainant is not satisfied with the proposed resolution, then the matter will be referred to the next Full Council meeting. The Clerk will notify the complainant of the date on which the complaint will be considered by the Council and the complainant will be offered an opportunity to explain the complaint to the Council orally. However, the Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. Such advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.

- i. At the meeting, the Parish Council will consider the complaint and will also include on the agenda the appointment of three members to a committee with delegated power to continue handling the complaint, if necessary. The committee will have full delegated power to bring the complaint to a conclusion. The Parish Council will also resolve which member will be the Chairman of the Committee.
- j. The Council may consider whether the circumstances of the complaint warrant the matter being discussed in closed session namely in the absence of the press and public; but the decision on a complaint will be announced, at the Council meeting, in public.
- k. As soon as possible after the decision has been made, but in any event not later than 10 days after the meeting at which it was considered, the complainant will be notified, in writing, of the decision and any action to be taken.
- l. If there is found to be “no case to answer” the complainant shall be so advised by the Clerk. If “a case to answer” is found then the Clerk and Chairmanship shall decide, with majority approval by Full Council upon one or other of the following actions:
A letter of apology *or*
A letter of apology plus additional training
- m. The complainant will still have the right to make a complaint to the District Council, but should note that any action by the Parish Council will be taken into account by the District Council in its decision on whether to take any further action on the complaint.

5. COMPLAINTS AGAINST THE CLERK OR PARISH COUNCILLORS – BREACH OF THE CODE OF CONDUCT

a. Any complaint in relation to a member of Council's staff will be accepted only if it is made in writing. The complaint should give as much detail as possible and attach any relevant supporting documentation. You must state within your complaint which part of the code of conduct you believe may have been breached.

b. Complaints should be addressed to the Clerk to the Council:
Bottisham Parish Council, 41 Stow Road, Stow-Cum-Quy, Cambridge, CB25 9AD.

or alternatively you can submit your complaint to:

Maggie Camp, Monitoring Officer, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE

who will deal with this in accordance with the Parish Council's adopted Code of Conduct by East Cambridgeshire District Council.

c. If you wish to make a complaint about Bottisham Parish Clerk you can contact, in the first instance, the chairmanship:
Confidential Opened by Addressee Only, Chairmanship at Bottisham Parish Council, 41 Stow Road, Stow-Cum-Quy, Cambridge, CB25 9AD

or alternatively you can submit your complaint to:

Maggie Camp, Monitoring Officer, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE

d. Where the Clerk receives a written complaint about the actions of a Councillor *and/or* member of staff, the complaint will be referred to the chairmanship of Council (*or Vice-Chair only if the Chair is the subject of the complaint or the Chair only if the Vice-Chair is the subject*). The complaint will be acknowledged within 7 working days. The Councillor *and/or* member of staff concerned will also be advised formally that a complaint has been made against them.

e. On receipt of the written complaint, the chairmanship of Council will carry out an initial investigation. This will not be done without giving the person complained about an opportunity to comment. The Clerk will, within 10 working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is closed. The chair of Council will report summary details of the complaint and a brief summary of its resolution, to the Council at its next meeting.

f. If the chairmanship of Council is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to the next Full Council meeting.

g. The Clerk will notify the complainant of the date on which the complaint will be considered by the Council and the complainant will be offered an opportunity to explain the complaint to the Council orally. A complaint will be heard at the next, or subsequent, monthly meeting of Council. However, the Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. Such advice will be considered, and the complaint dealt with, at the

next meeting after the advice has been received.

- h. At the meeting, the Parish Council will consider the complaint (including level/category) and will also include on the agenda the appointment of three members to a Complaints Committee with delegated power to continue handling the complaint, if necessary. The Parish Council will resolve which member will be the Chairman of the Committee (*not necessarily the Chairman of the Council but one appointed to the role by the Council*); two other District and/or Parish Councillors and two independent people with an understanding of the Code (*such persons might be County/District or Parish Councillors from neighbouring areas*) who may receive £50.00 (*or appropriate sum/expenses to be agreed by Parish*) each for their time / expenses.
- i. The Council may need to consider whether the circumstances of the complaint that involves individually identified members of staff warrant the matter being discussed in closed session namely in the absence of the press and public.
- j. At the meeting at which the complaint is heard, the chair of Council will introduce everyone and explain the procedure to be used. The meeting will be as informal and friendly as possible without prejudicing the need to consider properly the matter under discussion. The complainant (or their representative) will be invited to outline the grounds for complaint and councillors given the opportunity to ask any question of the complainant.
- k. The complainant will be offered the opportunity of a last word, as a means of summing up their position. The member of staff will also be offered the opportunity of a last word, as a means of summing up their position.
- l. Both parties will be asked to leave the room while Councillors decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back.
- m. All parties will be informed of the decision or be advised when the decision will be made.
- n. If the complaint cannot reach an agreeable resolution within the Full Council meeting, then it will go to the Complaints Committee. The Complaints Committee will have full delegated power to bring the complaint to a conclusion. The Complaints Committee shall deliberate impartially and decide whether or not there is a case to answer.
- o. If “no case to answer” the complainant shall be so advised by the Clerk. If “a case to answer” then the Complaints Committee shall decide upon one or other of the following actions:
A letter of apology *or*
A letter of apology plus additional training
- p. The outcome will be advised by the Clerk to both the complainant and to the Councillor(s) concerned who is/are deemed to have accepted it and expected to abide by the action(s), since this complaints procedure has been approved by the Parish Council. The complainant will still have the right to make a complaint to the District Council, but should note that any action by the Parish Council will be taken into account by the District Council in its decision on whether to take any further action on the complaint.

- q. The decision will be confirmed to both parties, in writing, within 7 working days, together with details of any action to be taken.
- r. The announcement of any decision will be made, in public, at the next Council meeting.

6. ACTION AGAINST COUNCIL STAFF

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 circumstance enter into any correspondence or discussion.

7. VEXATIOUS COMPLAINTS

A complainant may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one of the following criteria, where complainants:

- persist in pursuing a complaint where the Parish Council's Complaints Procedures have been fully and properly implemented and exhausted;
- persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed;
- are repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Parish Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate;
- regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point;
- have, during addressing a registered complaint, had an excessive number of contacts with the Parish Council – placing unreasonable demands on staff or Councillors. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or Councillors dealing with the complaint.

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chair will as appropriate take one or more of the following courses of action:

- The complainant will be notified in writing why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.

- The complainant will be notified, in writing, that the Parish Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add, the correspondence is at an end, advised they are being treated as a persistent or vexatious complaint, that the Parish Council may seek legal advice and that continuing contact on the matter will serve no useful purpose.
- The Council may decline further contact with the complainant, either in person, by telephone, by letter or by e-mail or by any other means.
- The Clerk and the Chair of the Parish Council may invite the complainant to meet with them to discuss the matter if it is considered that there may be a way to resolve the issue.
- Once a complainant has been determined to be habitual and/or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

8. APPENDIX

	Complaint Category	Action
A	Criminal activity	The Clerk should refer the Complainant to the Police.
B	Member conduct	Follow procedure outlined in Section 5; either contact the Parish Clerk or The Monitoring Officer. 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 Councillors 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, incidents that happened before the authority adopted its Code of Conduct, 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	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. 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.
D	Other	Complaints that are "expressions" of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body action on behalf of the Council". These will be heard by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf.

* Code of Conduct can be found on Bottisham Parish Council website at www.bottisham-pc.gov.uk or requested by the Clerk.

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