

**LITTLE ECCLESTON WITH LARBRECK PARISH COUNCIL
COMPLAINTS POLICY
FEBRUARY 2021**

INTRODUCTION

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist residents to deal with complaints against actions of the Council's staff or its administration.

Little Eccleston with Larbreck Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

Little Eccleston with Larbreck 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 Little Eccleston with Larbreck. The 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.

This Complaints Procedure does not apply to 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.

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. Please note this may only occur when there is an agenda item for the item. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

INFORMAL COMPLAINTS HANDLED BY THE PARISH COUNCIL

If complaints are made to the Clerk either in person, by telephone, letter or email to Clerk or the Chairman of the Council, the Clerk will try to resolve the complaint informally in a timely manner.

It is hoped that most complaints can be resolved quickly and amicably through this route. If the informal process does not satisfy a member of the public, Little Eccleston with Larbreck Parish Council has a formal complaints procedure that should be followed.

FORMAL COMPLAINTS HANDLED BY THE PARISH COUNCIL

If the Complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, he or she will be asked to submit a formal complaint in writing to the Clerk or Chairman of the Parish Council, as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

1. The Clerk or Chairman of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days of it being received.
2. On receipt of a complaint the Clerk, in consultation with the Chairman 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. The Complainant will be informed of which category the complaint falls under and the action required.

3. If the complaint is a category D complaint (see Appendix 1), the Clerk or Chairman of the Parish Council will advise the Complainant when the matter will be considered by the Parish Council. The Procedure in Appendix 2 will be followed in this instance.
4. The Clerk or Chairman of the Parish Council will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.

REPEATED OR VEXATIOUS COMPLAINTS

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that it 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 several 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.

APPENDIX 1

	Complaint Category	Action
A	Criminal activity	The Clerk should refer the Complainant to the Police.
B	Member conduct	<p>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 contact:</p> <p>The Monitoring Officer The Town Hall, Lytham St Annes Lytham Saint Annes Lancashire FY8 1LW</p> <p>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.</p>
C	Employee conduct	<p>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.</p> <p>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.</p>
D	Other	<p>Category D complaints 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".</p> <p>These will be heard by the Parish Council.</p>

APPENDIX 2

COMPLAINTS PROCEDURE

Before the Meeting

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chair of the Parish Council. The Clerk or Chairman shall acknowledge receipt of the request within 5 working days.

The Clerk will advise the Complainant when the matter will be considered by the Parish Council, giving at least 10 working days' notice of the meeting. The Complainant should also be advised whether the complaint will be treated as confidential or whether the Council shall consider whether the circumstances of the complaint warrants the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.

Five clear working days prior to the meeting, the Complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the Complainant the opportunity to read the material in good time for the meeting.

The Complainant shall be invited to attend a meeting and to bring with them one other person for support if they wish. They will not be entitled to bring legal representation. The other person may not address the meeting.

A Parish Councillor will be nominated to present the Council's position if necessary.

At the Meeting

The Chair should introduce everyone and explain the procedure. The complainant (or their representative) should outline the grounds for complaint and afterwards questions may be asked by the Clerk and Councillors.

The nominated Councillor will present the Council's position relating to the complaint (if necessary) and afterwards questions may be asked by other Councillors.

The nominated Councillor and the complainant will be offered the opportunity to summarise their position.

The nominated Councillor and the complainant will be asked to leave the room (**unless the meeting is open to the public**) while Councillors decide whether the grounds for the complaint have been met. If a point of clarification is necessary, both parties will be invited to respond.

The nominated Councillor and the complainant will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day, they should be advised when the decision is likely to be made and when it will be communicated to them.

AFTER THE MEETING

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

RIGHT OF APPEAL

The Complaints Committee's decision is final.