HITTISLEIGH PARISH COUNCIL

COMPLAINTS POLICY

Introduction

Complaints received from members of the public about the administration or procedures of Parish Council are not subject to the jurisdiction of the Local Government Ombudsman. However, for the transparency in local government and for the benefit of good local administration, the Council has adopted a formal procedure for considering complaints.
It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement

The Council's Complaints Policy applies to the following four areas of complaint:-

1. Complaints about a Council service or function
2. Complaints about a member of staff
3. Complaints about a Councillor
4. Complaints about the handling of data protection

Definition of a complaint

A complaint is any expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Parish/Town Council, its elected members or staff, which affects an individual customer or group of customers.

What the Complaints Procedure will deal with:-

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- Failure to provide advice or information when reasonably requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, bad and unprofessional practice or conduct.
  Data protection concerns

What the complaints procedure will not deal with

- Complaints for which there is a legal remedy or where legal proceedings already exists
- Complaints about employment matters, these will be dealt with by the Council's internal grievance procedure.
- Complaints about an incident or matter which took place longer than 12 months ago.

Equal Opportunities

The Council is committed to equal opportunities. Complaints/feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

Complaints by members of the public of discrimination and/or harassment against the Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

Stages of the Procedure
The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

Informal Complaints
During the course of daily business, minor complaints are made to officers regarding the service we provide. The appropriate officer or Clerk will usually deal with these. It is not appropriate for every comment received to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

Procedure to follow for Handling Formal Complaints

Stage 1

A complainant may notify a complaint verbally, in writing, via email, social media to a Councillor or the Proper Officer of the Council (Parish Clerk). This will be recorded as a complaint and passed to the appropriate officer to investigate. Regarding a data protection complaint this is valid if it relates to personal data handling/rights requests/data breach or security/data retention and use.

If the complainant remains unsatisfied with the response they shall be requested to put his/her complaint in writing to the Proper Officer of the Council. An acknowledgement will be sent within 2 working days

If a complainant indicates that he/she would prefer not to put the complaint to the Proper Officer of the Council then he/she should be advised to put it to the Chairman of the Council. An acknowledgement will be sent within 2 working days.

Stage 2

The Proper Officer of the Council or the Chairman of the Council, shall try to settle the complaint directly with the complainant within 30 working days of receipt of complaint, but shall not do so without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.

If the investigation of the complaint is likely to take more than 30 working days, the complainant will be notified together with a reason for the extended investigation period.
Where the Proper Officer to the Council receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Chairman of the Council.

Stage 3

The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved, the complainant has the right to

request, within 30 working days, that the matter should be referred to all Councillors at the next regular Council meeting.
A decision made by that meeting shall be considered final and the complaint will be considered closed.
If the complainant does not respond within 30 working days, the complaint may be considered closed.

Stage 4

If the Complainant responds and requests the matter to be referred to all Councillors, as detailed above, the Proper Officer of the Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is such that the Council or the Proper Officer believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded.

If the complaint is against any employee, even if the matter is being dealt with initially out of the context of the formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

If the complaint is against any elected member the Chairman and two other councillors will decide whether the matter is such as to be an infringement of the Council's Code of Conduct. If this is felt to be the case, the complaint will be forwarded to the Distrcit/Borough Council's Monitoring Officer for investigation and recommendation.

If the complaint against an elected member does not breach the Council's Code of Conduct but is felt by the Chairman and two other councillors to be contrary to the spirit of the Council's Acceptable Behaviour Policy (see appendix 1) a recommendation may be made to a meeting of Full Council on how the elected member might make restitution.

Stage 5

The Complainant will be notified, in writing, of the final decision within 14 working days of the meeting.

Unreasonable and Vexatious Complaints
In the event of serial facetious, vexatious or malicious complaints from a member of the public the council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided, it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint as to justify consideration as a new complaint.

Anonymous Complaints
Anonymous complaints should be referred to the Proper Officer of the Council and may be acted on at his/her discretion, according to the type and seriousness of the allegations.

APPENDIX ONE

ACCEPTABLE BEHAVIOUR PROTOCOL

Introduction

The following protocol has been devised for Parish Council elected members and staff in order to ensure an equitable and supportive working environment through mutual respect and acceptable behaviour at all times.

The protocol firstly sets out the core principles of acceptable behaviour within Parish Council for both elected members and staff. It then defines unacceptable behaviour and identifies strategies and methodology to deal with any breaches of the acceptable behaviour protocol.

Core Principles

Councillors and Council staff will: -

• At all times treat each other with courtesy, respect and dignity.
• Be aware of the effect of their individual behaviour on others and only make reasonable and manageable demands
• Communicate with each other in a clear and honest manner
• Welcome honest feedback and constructive criticism
• Value the existing skills of the individual and support each individual's personal and professional development

Unacceptable Behaviour

Hittisleigh Parish Council will not condone any behaviour from elected members or staff, which is a source of discrimination, harassment or bullying towards another elected member, or member of staff.

Discrimination is defined as a failure to afford equal opportunities in the workplace on the grounds of disability, gender, race, religion, age, sexual orientation or marital status.

Harassment is defined as conduct which is unwanted and offensive and affects the dignity of an individual or group of individuals.

Bullying is defined as behaviour which either consistently, or in a single instance, comprises actions, criticism or personal abuse which humiliates, frightens, undermines or demeans the individual or group of individuals.

Some examples of unacceptable behaviour are given below, but it should be noted that this list is neither exclusive nor comprehensive.

• Using aggressive or threatening language, ridiculing or ignoring an individual or group of individuals.
• Making unacceptable demands on an individual's time and resources
• Making inappropriate comments about an individual's appearance, disability, private life, race, gender or sexuality.
• The use of pin-ups, posters or electronic display, e.g. pornographic pictures, cartoons, etc., which cause offence to any group, race, gender or creed.
• Encouraging or coercing others to discriminate, bully or harass an individual or group of individuals.
• Inappropriate physical contact and making unwanted sexual advances
• Excluding an individual or group of individuals from workplace activities or discussion because of age, disability, gender, race or sexual orientation

Strategies for managing unacceptable behaviour
Hittisleigh Parish Council expects that elected members and staff will comply with the Acceptable Behaviour Protocol at all times. A breach of the Acceptable Behaviour Protocols could present a risk to the Council therefore the following strategies are in place to manage and resolve any breach of the Protocol:-

Step 1 - Informal Resolution
Any person who has experienced unacceptable behaviour, or has been accused of unacceptable behaviour, should first attempt to resolve the matter through informal discussion. A member of staff or volunteer should raise the matter with the Parish Clerk. An elected member, or the Parish Clerk, should raise the matter with the Chairman. The Chairman, or Parish Clerk, will attempt to resolve the matter through mediation and discussion with all parties, and by identifying any changes in behaviour necessary to overcome the problem together with a timescale for review. In addition, the Council may employ the services of an Occupational Health practitioner. A referral to Occupational Health may be made, if it is felt appropriate, to assist in the resolution of the problem.

Step 2 - Formal Procedures
If the Informal Resolution strategy is not successful, an employee has recourse to the formal Grievance and Disciplinary Procedures of the Council. Elected members are bound by the requirements of the Council's Code of Conduct to behave in an appropriate and acceptable manner at all times. If the Informal Resolution strategy is not successful, the Chairman, in consultation with the Council, will decide whether the formal procedures for resolution should include the involvement of the Borough Council's Monitoring Officer and Standards Committee.

Review Process
The Council will review its Acceptable Behaviour Protocol on, at least, an annual basis. Changes in legislation and good practices may necessitate an earlier review, when appropriate. At all times the Council will promote acceptable behaviour both within the organisation and in the Council's relationship with the community.