

Complaints Procedure

Introduction

1. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration. In order to deliver the best service to the electorate the procedures outlined below shall apply to any such complaint received. Fernwood Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.
2. This procedure does not cover complaints about the operations of the Parish Council, or about the actions of individual councillors.
3. The Council aims to resolve all complaints within 12 weeks.

Complaints about the Parish Council

4. Complaints relating to the operation, attitude, management or decision-making of Fernwood Parish Council should be submitted initially to the Chairman of the Parish Council for consideration. If the Chairman can resolve the issue to the complainant's satisfaction, the matter will be closed. However, if the Chairman determines that any complaint received is serious, or is beyond the capability of the Parish Council itself to resolve, it will be submitted to The Monitoring Officer, Newark & Sherwood District Council, Castle House, Newark, NG24 1BY for investigation. A complainant also has the right to address any matter of this nature directly to N&SDC, rather than through the Parish Council.

Complaints Against Individual Councillors

5. Complaints about the behaviour of any Councillor must be submitted to: The Monitoring Officer, Newark & Sherwood District Council, Castle House, Newark, NG24 1BY. The Monitoring Officer (MO) can only deal with complaints about the behaviour of a Councillor. He/she will deal with complaints about matters that are not covered by the Councillors' Code of Conduct. The MO will not look at complaints about staff of the Parish Council – this is the responsibility of the Council and is explained below. The MO will also not consider incidents that happened before a member was elected or chosen to serve, or incidents that happened before the Council adopted its Code of Conduct.

Notification of a Complaint

6. Initial complaints regarding the Parish Council, Councillors, or staff may be made in person or by email, telephone or letter (contact details below). The complaint should be addressed to, and will normally be handled by, the Clerk (but see para 7 below). The majority of complaints will be dealt with by an investigation, carried out by the Clerk.

Complaints will be handled by the Parish Clerk

Email: feedback@Fernwood-PC.co.uk

Phone: 01636 613024

Post: Fernwood Village Hall, Rubys Avenue, Fernwood, NG24 3RS

7. Complaints must be directed through the Council office, not through individual Councillors. The only exception is when the Clerk is involved (in any way) with the issues causing the complaint: in such a case, the complaint should be addressed directly to the Chairman of the Council's Personnel Committee. Thus, where the following paragraphs refer to actions by the Clerk, they can be interpreted to mean the Chairman of the Personnel Committee.

8. In the event that the issue raised is deemed to be serious, the complaint must be submitted formally in writing – although this may be a follow-up to an initial verbal or e-mail complaint. The complaint should cover as much detail as possible and enclose any relevant supporting documentation or other evidence.

Procedures Following Receipt by the Council of a Complaint

9. On initial receipt of a complaint, the Clerk will determine whether the issue is relatively minor and can be resolved by an informal investigation, or whether it is a serious matter requiring formal investigation. The Clerk will inform the complainant, as soon as possible, of how the complaint will be treated and, if a formal investigation is required, will request that the complainant confirm the details in writing.

9. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not authorised to resolve complaints, nor to investigate them, unless so tasked by the Personnel Committee or the full Council. Councillors will not express personal opinions about complaints awaiting investigation, or about the conclusions and results of any investigation.

10. It is expected that most complaints can be resolved through the informal route. However, the Council appreciates that on occasions, if an informal approach has not resolved the complaint to the complainant's satisfaction, or the initial complaint is of a serious nature, then the formal complaints process should be followed.

11. If the investigation is informal, the Clerk will discuss relevant issues with any persons involved and assess the validity of the complaint. The Clerk will take any necessary action which might arise from the investigation and will inform the complainant of the result of their complaint (i.e. whether it has been upheld or dismissed). However, the complainant is not entitled to be told of any actions taken in relation to members of staff.

Formal Investigation Procedures

12. In the case of a formal complaint, the Clerk will acknowledge receipt of the complaint, in writing, within five working days. The Clerk will then carry out a formal investigation into the complaint, recording the results of interviews or other relevant research; the basis of any conclusion or decision reached; and the determination of any resultant action. Within ten working days, the Clerk will provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the suggested resolution, the complaint will be considered closed. If not, the Clerk will take any necessary steps to

investigate further and will seek the support of the Personnel Committee in furthering the investigation and/or reaching a formal decision. In complex cases, the Personnel Committee may nominate one or more Councillor to carry out a detailed investigation.

13. The Clerk will report to the Personnel Committee, and / or to the full Council, summary details of the complaint and of its resolution. This report will exclude the names of the complainant(s) and those of any Council staff involved. The Clerk will also advise the complainant of the result of their complaint (i.e. whether it has been upheld or dismissed).

Action Against Council staff

14. 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 circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled, and also to comply with privacy legislation.

Repeated or Vexatious Complaints

15. A small percentage of complaints may be persistent or be framed in a way that appears to be obsessive, harassing or repetitious. Dealing with such complaints – termed “vexatious¹” – can consume a disproportionate amount of resources and can sometimes be unacceptably stressful for staff. Although 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. The responsible investigator may – based on justified evidence - determine that such a complaint should be dismissed without investigation or ignored.

¹ A vexatious or persistent complaint includes:

- Actions which are obsessive, persistent, harassing, prolific, or repetitious
- Insistence upon pursuing otherwise meritorious complaints in an unreasonable manner
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason