

Bryanston Parish Council - Complaints Procedure - Part 1

This policy sets out the procedure for dealing with a complaint directed against the Bryanston Parish Council, its Clerk or any of its Councillors covered within the revised Code of Conduct as amended and adopted in September 2012.

A policy decision made by the Council, in respect of which a complaint, upheld in due course by the Council, is made, cannot be reversed other than by a resolution that attracts a two-thirds majority at a meeting held within six months of the policy being adopted.

The Council will only acknowledge, and act upon, complaints received in writing. If a complaint is received orally the complainant should be requested to refer the matter in writing to the Clerk. If the complaint is related to the activities or actions of the Clerk the complainant should be required to put the matter in writing to the Chairman.

On receipt of a written complaint the Clerk or Chairman should try to settle the matter directly with the complainant. Where the complaint involves the actions of an individual this settlement should not be attempted before informing the individual of the nature of the complaint and providing an opportunity for him/her to respond.

In cases where a complaint is settled directly with the complainant the Chairman or Clerk shall report details of the complaint and its settlement to the next meeting of the Council.

The Clerk shall bring any complaint still outstanding to the next Council meeting. The Clerk will notify the complainant of the date, time and place of the meeting at which the complaint is to be considered. During the meeting the complainant is to be offered the opportunity to explain the nature of the complaint. Confidential matters may be dealt with under exempt business where members of the public and press are excluded, but decisions on any complaint are to be announced in public.

As soon as possible after a decision has been made it, and the nature of any action agreed upon, shall be notified to the complainant, and to any individual who is the subject of the complaint, in writing.

A decision on a complaint shall only be delayed or deferred if legal or other advice has been sought from DAPTC or other authorised body and not yet received. The complaint will then be dealt with at the first meeting following receipt of the advice.

The Council's policy for dealing with habitual or vexatious complaints is set out in Part 2 below.

Bryanston Parish Council - Complaints Procedure - Part 2

POLICY- DEALING WITH HABITUAL OR VEXATIOUS COMPLAINTS

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

Definitions:

In this policy:

- The term HABITUAL means 'done repeatedly or as a habit'.
- The term VEXATIOUS is recognised in law and means "an action or proceeding initiated maliciously and without probable cause by an individual who is not acting in good faith for the purpose of annoying or embarrassing an opponent". namely, in the context of this procedure, the Parish Council.

Definition of a habitual or vexatious complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one or more of the following criteria: -

Where complainants:

1. Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
2. 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. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. Are repeatedly unwilling to accept documentary evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that some facts may be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.
6. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council - placing unreasonable demands on staff or members. 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 judgment based on the specific circumstances of each individual case.
7. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.

8. Are known to have recorded meetings or face to face/ telephone conversations without the prior knowledge and the consent of other parties involved.
9. Make unreasonable demands on the customer/Council relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is either reasonable or within the Council's Complaints Procedure or normal recognised practice.

Procedures for dealing with habitual or vexatious complainants

If a complainant has threatened or used physical violence towards staff or members at any time - this will in itself, cause personal contact with the complainant, and /or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such instances will be documented.

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

1. The Clerk and the Chairman of the Council will invite the complainant to meet with them to discuss the matter.
2. 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.
3. The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. The Council will decline further contact with the complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.
5. The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
6. The Council will suspend all contact with the complainant in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency, such as the Local Government Ombudsman or External Auditor.
7. The complainant will be notified of the contact details of the local Government Ombudsman or Democratic Services Manager NDDC and invited to contact that office if they wish to take the matter further.

The Council will be notified of vexatious or habitual complainants.

Withdrawing Habitual or Vexatious Status

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.

Bryanston Parish Council – Part 3

Complaints against Councillors for Inappropriate Behaviour

Introduction

This procedure should be followed in the event of a complaint being made alleging inappropriate behaviour by an elected or co-opted Councillor.

Inappropriate behaviour is defined any action or activity which breaches or fails to comply with the Code of Conduct (2012) or otherwise brings the Council into disrepute.

Such behaviour could include: -

1. Behaving in such a way that a reasonable person would regard as disrespectful.
2. Acting in a way which a reasonable person would regard as bullying or intimidatory.
3. Seeking to improperly confer an advantage or disadvantage on any person.
4. By disclosing information which is confidential or where disclosure is prohibited by law.

Procedure

The complainant should be asked to put the complaint in writing to the Council Clerk who will notify the Chairman, or Vice Chairman if the complaint is being made against the Chairman. The Chairman or Vice Chairman in conjunction with the Clerk will then investigate the complaint and, in doing so, may solicit advice from DAPTC or the North Dorset District Council Monitoring Officer or any other such body or individual qualified to provide such advice.

The Councillor concerned will be notified of the nature of the complaint at the earliest opportunity and be given the opportunity to respond to the complaint. Such response may be given verbally or in writing but should be recorded by the Clerk.

The Chairman and Clerk will then investigate the matter and may ask other councillors to assist in the investigation when considered appropriate. The councillor subject to the complaint may be asked to attend a hearing and ask for other relevant persons to also attend.

The investigation findings should be notified to the councillor and complainant at the earliest opportunity. If the complaint is found to be justified the councillor may be warned regarding future behaviour and asked to apologise in writing to the complainant and/or Council.

If the complaint is thought to be justified and is sufficiently serious the matter may be referred to the NDDC Monitoring Officer who may in turn refer the case to the Standards Committee who will be asked to adjudicate.

Chairman

Bryanston Parish Council
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