



WEST HORSLEY PARISH COUNCIL

Complaints Procedure

1. Allegations of breaches of the code of conduct

- a** On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to a *Complaints Panel* that will be formed at the time from the appropriate existing members.
- b** Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the *Complaints Panel* of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c** Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d** The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the *Complaints Panel*) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i.** Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii.** Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii.** Ensure that the public and press are excluded from meetings as appropriate.
 - iv.** Ensure that the minutes of meetings preserve confidentiality.
 - v.** Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e** Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the *Complaints Panel* or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f** The *Complaints Panel* shall have the power to:
 - i.** seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii.** seek and share information relevant to the complaint;
 - iii.** grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g** References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

2. Oral Complaints

- a.** If a complaint is notified to the office or a councillor orally and the complainant is not satisfied with the response, the complainant shall be asked to put the complaint in writing to the clerk and be assured that the matter will be dealt with promptly after receipt.
- b.** Should the complainant indicate that he would prefer not to put the complaint to the clerk he shall be advised to put it in writing to the chairman of the council.

3. Written Complaints

- a. On receipt of a written complaint, the clerk, or chairman of the council, whichever is applicable, shall (except where the complaint is against his own actions) try to settle the complaint directly with the complainant.
- b. Should the complaint be about the clerk or a councillor the complainant shall have an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. A complaint against the clerk or chairman shall be referred to the whole council for settlement.
- c. The clerk or chairman shall report to the next meeting of the council any written complaint disposed of by direct action with the complainant.
- d. The clerk or chairman shall bring any written complaint which cannot be settled to the next meeting of the council, and the clerk shall notify the complainant of the date on which the complaint will be considered.
- e. The council shall consider whether the circumstances surrounding any complaint should be discussed in the absence of press and public, but any decision on a complaint dealt with in this way shall be announced at the next council meeting in public session.
- f. As soon as possible after the decision has been made the complainant should receive written notification of the decision and any action arising.

4. Complaints – habitual or vexatious

- a. Definition of a habitual or vexatious complainant is an 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 two or more of the following criteria:
 - i. Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.
 - ii. 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).
 - iii. Are repeatedly unwilling to accept documented 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 facts can sometimes be difficult to verify when a long period of time has elapsed.
 - iv. 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.
 - v. 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 a trivial matter is can be subjective and careful judgement will be used in applying this criterion.
 - vi. Have threatened or used physical violence towards staff or councillors at any time. This will in itself, cause personal contact with the complainant and his representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such instances will be documented.
 - vii. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the 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.
 - viii. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or councillors dealing with the complaint. These will be documented.
 - ix. Are known to have recorded meetings-or-face to face/ telephone conversations without the prior knowledge and consent of other parties involved.
 - x. Make unreasonable demands on the customer/complainant 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 reasonable or within the Council's Complaints Procedure or normal recognised practice.

b. Procedures for dealing with habitual or vexatious complaints:-

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 take action as appropriate from the following:-

- i. Complainants will be notified in writing why their complaint has been classified as habitual and/or vexatious. Complainants will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
- ii. Complainants 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. Complainants will also be notified that the correspondence is at an end, advising complainants 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.
- iii. The Council will decline further contact with such complainants in person, by telephone, by fax, by letter or by e-mail.
- iv. Complainants will be informed that in extreme circumstances the Council reserves the right to seek advice from a solicitor or other relevant agency on unreasonable or vexatious complaints.

c. Withdrawing Habitual or Vexatious Status

- i. Once a complainant has been determined to be habitual and /or vexatious, his status will be kept under review. There will be an opportunity, however, if he subsequently demonstrates a more reasonable approach or if he submits a further complaint for which the normal complaints procedure would appear appropriate, to have his status reviewed and normal channels of communication may be resumed.

Adopted at Parish Council Meeting