

RACKHEATH COMMUNITY COUNCIL

Complaints Procedure

Code of Practice and Procedure for Dealing with Complaints

Adopted at the Council meeting of 20 April 2015

Revision 2 (updated January 2022) - Reviewed 18 December 2023

Why is this necessary?

From time-to-time members of the public have complaints about the administration or procedures of a parish or town council. Unlike principal authorities, parish and town councils are not subject to the jurisdiction of the Local Government Ombudsman.

Complaints may be submitted to the Monitoring Officer, Broadland District Council, where there is perceived to be a breach of the Community Councils (Code of Conduct) Order 2012 and The Localism Act 2011, particularly the sections dealing with Prejudicial Interest.

Other than this, it is recommended for transparency in local government and for the benefit of good local administration that parish and town councils should adopt a standard formal procedure for considering complaints: either made by complainants directly or referred back to the Council from other bodies to which they have been made. The Code of Practice and Procedures, set out below, has been approved by Rackheath Community Council as a way of ensuring that complainants can feel satisfied that, at the very least, their complaint has been properly and fully considered.

It is in the Council's interest to do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. If a complaint cannot be settled by the Council the complainant may well try to enlist the services and backing of other individuals and bodies or have recourse to law and thus pursue the complaint at a considerable expenditure of time and other resources to the Council and community taxpayers.

Rackheath Community Council is mindful of the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

For the purposes of clarity, by written, the Council signifies this to mean both letter and email form.

How Will A Complaint Be Dealt With?

1. If a complaint about procedures or administration is notified orally to a parish, district or county councillor or the Clerk of Rackheath Community Council and it is not possible to satisfy the complainant in full immediately, the complainant will be asked to put their complaint in writing to the Clerk and be given a written assurance on receipt that the matter will be dealt with promptly.
2. If a complainant prefers not to put the complaint to the Clerk then they will be advised to put it to the Chair of the Council.
3. On receipt of a written complaint, the Clerk or the Chairman, as the case may be, shall (except where the complaint is about their own actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Parish Councillor without notifying the person complained of

and giving them an opportunity to comment on the manner, about which, it is intended to attempt to settle the complaint. Where the Clerk or Chairman receives a written complaint about the actions of the Chairman such complaint shall immediately be referred to the Community Council.

4. The Clerk or the Chairman shall report to the next meeting of the Community Council any written complaint disposed of by direct action with the complainant.
5. The Clerk or the 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 time, date and place when the complaint will be considered.
6. 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 a complaint of the Clerk, such that the Council or the Clerk of the Council believes the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a 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 and in accordance with the Council's procedures.
7. As soon as may be, after the decision has been made, the decision and the nature of any action to be taken shall be communicated in writing to the complainant. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council should consider taking legal advice before writing to the complainant.

Vexatious and unreasonable complaints

8. Rackheath Community Council defines vexatious complaints as any that cause or tend to cause annoyance, frustration, or worry. It also includes any complaints that the Council may consider are bullying in their nature.

The Community Council may treat as vexatious a disproportionate, unreasonably repetitive, abusive, or otherwise unreasonable complaint, or a complainant who, because of the nature of his/her contacts with the Council, adversely affects the Council's operation. Examples of such contacts would be pursuing complaints in inappropriate ways, pursuing complaints which appear to have no substance, or pursuing complaints which have already been investigated and determined.

When complaints are received the Council will consider whether they are genuine, raise valid points or are simply, at least in part, vexatious. If considered vexatious the Council will communicate this back to the complainant and give them the opportunity to comment and refute this. A copy of this policy will be sent to them. If complaints of a vexatious nature continue to be received the council will refuse to answer them. In extreme cases the Council may consider legal action, including where the complainant uses social media inappropriate to comment on the complaint or how it has been investigated.

Records will be kept of the details of the case including the nature of the complaint, when it occurred, and when the Council and the person were advised.

Full Council will be given a regular report giving information about members of the public who have been treated as vexations/persistent as per this policy.