

SEVERN STOKE AND CROOME D'ABITOT PARISH COUNCIL - WORCESTERSHIRE

COMPLAINTS PROCEDURE & POLICY

We are a grouped parish council, comprised of the two Parish Areas of Severn Stoke and of Croome d'Abitot

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Adopted by Severn Stoke and Croome d'Abitot Parish Council adopted in principle Oct 2020 and fully adopted Jan 2021.

Reviewed Feb 2024. Updated Jan 2026 Vexatious policy. And inclusion of example template complaint submission form.

Introduction

1. This procedure covers routine complaints and those that could be described as habitual and vexatious. The majority of complaints generally fall under the first category and only occasionally move to the second option. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
2. Some types of complaint are handled outside this complaints procedure: financial irregularities are handled by the Council's own auditor / Audit Commission; criminal activity by the Police; Member conduct by the Standards Committee of the relevant principal authority*; employee conduct by internal disciplinary procedure;

*Importantly, this complaints procedure does not cover complaints about the conduct of a member of the parish/town council. Such complaints such be passed to the Monitoring Officer at the District Council. As of Jan 2026, the Monitoring Officer is **Meesha Patel, Director of Legal and Governance**, **Telephone: 01684 862316**, **E-Mail: meesha.patel@malvern hills.gov.uk**

3. Amongst the complaints which members of the public make about local councils are complaints about administration or procedures. It is in the particular interest of the council concerned to settle a complaint because, even if it is not justified, it will in the absence of any settlement be raised again. This is bad for the council since it wastes its time and affects its good reputation. It is also of general concern to all councils that complaints should be settled as soon as possible. Experience suggests that in many cases a complaint will not be pursued further if the complainant sees that it has been properly handled.
4. Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the council. If a complaint is not settled by the council a complainant may try to enlist the services of other bodies and provoke considerable expenditure of time and resources.
5. As local councils are not subject to the jurisdiction of the Local Government Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment with regard to matters of administration and procedures. Therefore, every duly made complaint should be dealt with according to this code however trivial it might appear to be at first sight.
6. The receipt of a complaint is an opportunity for the council to look at its own administration and procedures, ensuring that the council is seen to act in an open, transparent and accountable way. Experience tells us that complainants may be the councillors of the future.
7. The following model procedure endeavours to ensure that complainants can feel satisfied that their grievance has been properly and fully considered.

Complaints Procedure

Preamble. The following procedure has been adopted for dealing with complaints about the council's administration or its procedures. Complaints about a policy decision made by the council will be referred back to the council, or relevant committee, as appropriate, for consideration.

1. If a complaint about procedures, administration or the actions of any of the council's employees is notified **orally** to a councillor, or to the clerk to the council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

2. The complainant will be asked to **put the complaint in writing** to the clerk to the council. The clerk will acknowledge receipt and specify the date by which it will be dealt with. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing. Assistance should be given to the claimant if necessary.

3. If the complainant prefers not to put the complaint to the clerk to the council (because the matter relates to the clerk, for example,) he or she should be advised to write to the chairman.

4. (a) On receipt of a written complaint, the clerk (except where the complaint is about his or her own actions) or chairman (if the complaint relates to the clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the clerk to the council or a councillor receives a written complaint about the clerk's actions, he or she shall refer the complaint to the chairman of the council. The clerk to the council will be formally advised of the matter and given an opportunity to comment.

5. **Next parish council meeting:** The clerk or chairman will report any complaint disposed of by direct action with the complainant to the next meeting of the council.

6. (a) The clerk or chairman will report any complaint that has not been resolved to the next meeting of the council. The clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the council in person.

(b) Nb. The complainant should be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure should also be given to the complainant. The complainant should be invited to attend a meeting with a representative if wished. Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

9. (a) Matters relating to staff grievance or disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the council's grievance and disciplinary procedures.

(b) (As a reminder, matters relating to complaints against councillor code of conduct, should be reported to Monitoring officer at the District Council and NOT handled by the council's grievance or disciplinary procedures).

10. The council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the council meeting in public. The council must bear in mind the necessity to maintain confidentiality if it has been requested, and to comply with the requirements of Data Protection legislation with regard to personal information.

11. It may be that the following process is appropriate at the council meeting:

- a. The Chair of the meeting should introduce everyone and explain the procedure.
- b. The complainant (or representative) should outline the grounds for complaint before receiving any questions members if present.
- c. The Clerk should explain the Council's position before any questions from the complainant.
- d. The complainant and the Clerk on behalf of the Council should then summarise their final positions
- e. The complainant then leaves the room while members decide whether or not the grounds for the complaint have been made.
- f. If the decision is unlikely to be finalised on that day an estimated date will be given.

12. Decision. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

13. The result of the proceedings should be reported at the next Council meeting after the appeal period (14 days) has passed, ensuring that agreed confidential issues are appropriately respected.

14. The council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

15. Any anonymous complaint to Clerk or Councillors will be reported to the Clerk and Chair and full Council at the next Parish Council meeting. It will not form an item on the agenda. The Clerk will record receipt of it.

16. Appeals

- a) Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
- b) The Councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint.
- c) If procedures were correctly handled by the Council then the appellant should be notified that the appeal has not been successful.
- d) If the complaint was not handled correctly it must be referred back for consideration.
- e) The appellant should be notified of the result of the appeals process within fourteen days.

17. **Review.** A review of the case should be scheduled for 6 months in case of outstanding actions.

Habitual and Vexatious Complaints

1. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.
2. The Council may have to initiate further action, if the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening.
3. Councils must try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome; offering relevant support for a complainant; suggesting an independent representative to help present their case.
4. Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.

5. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chair or Deputy Chair to ensure that the complaint has been dealt with according to the Council's complaints procedure.
6. The Chair or Deputy Chair should contact the complainant in an effort to resolve the situation.
7. In the case of a meeting, if there is a personality issue, the complainant may nominate another Councillor who will be made aware of all the facts. A complainant may wish to bring a representative. The Council should give appropriate support to the complainant in choosing a representative etc
8. The Chair/Deputy Chair must:
 - a) Listen to the grievance/complaint
 - b) Assure the complainant of confidentiality with personal details
 - c) Carefully explain what action the Council has taken within its remit to resolve the complaint
 - d) Offer any relevant support about the complaints procedure to the complainant
 - e) Suggest complaint routes available if complaint is outside the Council's remit
 - f) Explain how the complainant's actions are of concern but are hampering the complaints procedure
 - g) Explain what actions the Council may take
 - h) Seek an assurance that the persistent/unreasonable nature of complaint will be addressed.
 - i) It may be that information from the template Appendix B is required to be provided to the complainant.
9. The outcome and relevant details of the meeting should be noted.
10. Decision
 - a. If the complainant continues to behave in unreasonable and/or vexatious way, the Chair or Deputy Chair should seek the approval of the Council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.
 - b. The complainant must be advised by letter from the Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
 - c. The Council must record the decision and hold all relevant correspondence except all personal details about the complaint and the complainant, which will be stored appropriately in line with the Data Protection Act.
 - d. The Clerk must notify all Councillors and members of staff as appropriate.
11. Any new complaint from any person who has come under the policy must be treated on its merit.
12. After six months, the Council should review whether any restrictions imposed are still necessary and should remain. And should write to inform the complainant of any outcome.

Parish Clerk, Proper Officer & Responsible Financial Officer Mrs Lisa Stevens, CiLCA, c/o 9 The Limes, Kempsey, Worcs, WR5 3LG.

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Requests for this information in other languages /audio/large print will be reasonably considered.



View our new parish council website via the Q R Code above
or at

<https://severnstokeandcroomedabitot-pc.gov.uk/>

Our parish council logo shows the Panorama Tower at Severn Stoke, offering views of the surrounding countryside to the public. Image recreated with permission of the National Trust.

Appendix A Template/Example Complaints Form

Below is an example of the information that would most usefully be received from a complainant.

The exact format does not matter and no specific template is provided.

- a) Your name:
- b) Your telephone number(s):
- c) Your email address:
- d) Your postal address:
- e) Do you wish your complaint to be treated confidentially?
- f) How would you like us to respond to your complaint? Post / Email / Phone
- g) What your complaint is about (please provide as much detail as you can, and attach any supporting evidence or information):
- h) What harm, disadvantage, or loss have you suffered?
- i) What remedial action would you like the council to take?
- j) Any other comments:
- k) Would you like to receive a copy of the parish council Privacy Notice? Yes/No Post/Email
- l) Would you like to receive a copy of this Policy Document Yes/No Post/Email
- m) Would you like assistance arranging a parish resident intermediary/independent parish resident representative? Yes/no
- n) Do you have any other requirements (language/visual/access needs) that you need to bring to our attention.
- o) Date of submission to the parish council
- p) How many pages have been appended to this cover sheer (if any)?

Appendix B Template - Notice to Complainant upon Unreasonable Complainant Behaviour

Introduction We are committed to dealing with you fairly and impartially, and to making our service as accessible as possible. We recognise you may be frustrated and upset by what has happened in the past. We are independent and if we decide to investigate your complaint, we will take a fresh, impartial look at what happened. We aim to treat you with fairness and respect. We ask for and expect the same behaviour from you towards us. We wish to enjoy professional, courteous, respectful contact with all complainants, whatever the outcome of our work.

Unreasonable complainant conduct We will not tolerate racist, sexist, homophobic or other discriminatory language, or offensive, threatening, aggressive or violent behaviour towards us. If you use such language or behaviour, we will ask you to stop doing so and may take other, proportionate action to protect the wellbeing of our staff and make sure we can keep working effectively. If your use of language is because of a medical condition, we will discuss with you any reasonable adjustments we need to make to how we work with you. However, some language and behaviours are always unacceptable, and we will always draw your attention to this and take appropriate action.

Please remember the person dealing with the complaint is using their time to best effect. This is much harder to do well if you make frequent, lengthy contacts and/or keep sending them the same information. This gets in the way of dealing with your complaint. Please note this also applies to contacting us after our decision on your complaint. We will not continue communicating with you on a closed complaint outside our review or service complaint procedures. Continued contact or attempts to make the same complaint again prevent us from carrying out our work effectively. When necessary, we will restrict access to our service if you keep behaving unreasonably.

Warnings In most instances if we consider your behaviour is unreasonable, we will explain why and ask you to change it. We will also warn you that, if the behaviour continues, we may take action to restrict your contact with us. Where your behaviour is so extreme that it threatens the immediate safety and welfare of our staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give you prior warning.

Restricting access to the council The Clerk, Complaints Committee, or Council will decide whether the circumstances require any restriction of access. They will record the reason for their decision and explain it to you. They will state how long any restriction will apply for before we reconsider. The sort of restrictions imposed could include:

- Restricting telephone calls to specified days and limited times.
- Limiting contacts to one form only (for example, a maximum of one letter or email from you a week).
- Requiring you to only contact us using one named person.
- Requiring you to formally agree with us how you will behave in future before we continue working on your complaint and/or
- Using an independent advocate to work with you on our investigation into your complaint.

After six months we will review whether any restrictions we imposed are still necessary and should remain.

Ending access It is our decision whether to investigate your complaint. If you continue to behave unreasonably or ignore restrictions we have placed on access, we may decide to end our work on your complaint. In exceptional circumstances we may do so without warning. For example, if you use racist, sexist, homophobic or otherwise discriminatory language we may decide to take action without prior warning. We will write to explain the action we have taken.

New complaints If we have restricted our contact with you and you make a new complaint, we will decide whether to continue with any restrictions we put in place for the earlier complaint.