



COMPLAINTS POLICY & PROCEDURE

Introduction

1. The council will endeavour to deal with complaints in an efficient, equitable, and respectful manner.
2. The Council will try to keep the lines of communication open, with appropriate support for a complainant with special needs; suggesting a representative to help them present their case.
3. This policy and procedure can be used by members of the public and councillors.
4. Some types of complaint are handled outside this procedure:
 - Financial irregularity is handled by the Council's own auditor / Audit Commission.
 - Criminal activity by the Police.
 - Member conduct by the Monitoring Officer of Breckland Council.
 - Employee conduct by internal disciplinary procedure.
5. This procedure covers routine complaints and those that could be described as habitual and vexatious.
6. The Chairman or in their absence the Deputy Chairman of the council will deal with complaints unless they are directly involved with the case.
7. The Clerk should normally represent the council through the proceedings, but a nominated councillor may act as the council representative instead at the discretion of the full council.

Procedure

8. The complainant should complain in writing to the Chairman of the Council.
9. After receiving a complaint, the Chairman or in their absence the Deputy Chairman of the Council should contact the complainant within 10 working days in an effort to resolve the issue informally and confidentially in the first instance.
10. The Chairman or in their absence the Deputy Chairman of the council should:
 - Provide the complainant with a copy of the Complaints Policy & Procedure.
 - Listen to the grievance/complaint.
 - Assure the complainant of confidentiality with personal details.
 - Offer any relevant support about the complaint's procedure to the complainant.
 - If applicable, carefully explain what action the council has taken within its remit to resolve the complaint.
 - Suggest complaint routes available if complaint is outside the council's remit.
 - Explain what actions the council may take.

- Explain the outcome and relevant details of any complaints meeting will be noted.
11. If the issue cannot be resolved informally, the Chairman or in their absence the Deputy Chairman of the Council will nominate three councillors, who are not directly involved with the case, to form a Complaint Sub-Committee within 5 working days of this decision. This committee will appoint a Chairman, and follow The Complaints Meeting procedure (see points 12 to 14).

The Complaints Meeting

12. Before the meeting:

- After their appointment, the Complaints Sub-Committee should advise the complainant within 10 working days when the matter will be considered.
- The complainant should be invited to attend a meeting with a representative if wished.
- Not later than five working days prior to the meeting, the complainant and the complaint sub-council will exchange copies of any documentation or other evidence to be relied on.

13. At the meeting:

- The Chairman of the meeting should introduce everyone and explain the procedure.
- The complainant (or representative) should outline the grounds for complaint before any questions from the appointed council representative (see point 7) and then from members of the Complaint Sub-Committee.
- The appointed council representative should explain the council's position before any questions from the complainant and then from members of the Complaint Sub-Committee.
- The complainant and the appointed council representative should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made.
- If the decision is unlikely to be finalised on that day an estimated date will be given.

14. After the meeting:

- The decision should be confirmed in writing within 5 working days together with details of any action to be taken.
- The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

- Appeals

15. Should the complainant not agree with the decision they are entitled to appeal the decision within 10 working days of receipt of the result of the proceedings. They should make their appeal in writing and address it to the Chairman of the Council.

16. The Chairman or in their absence the Deputy Chairman of the council will nominate three councillors to form an Appeal Sub-Committee. Councillors should not have been part of Complaints Meeting or be directly involved with the case.

17. The Appeal Sub-Committee should handle the appeal within 15 working days of receiving the appeal and examine the way in which the council dealt with the complaint.

18. If procedures were correctly handled by the Council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back to the Chairman or in their absence the Deputy Chairman of the council for consideration.
19. The appellant should be notified of the result of their appeal within 5 working days of the appeal process.

Habitual and Vexatious Complaints

20. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.
21. The possibility of there being an unreasonably persistent and/or vexatious complaint should be brought to the attention of the Chairman or in their absence the Deputy Chairman of the council to ensure that the complaint has been dealt with according to the council's complaints procedure.
22. Councils should endeavour to deal with complaints in an efficient, equitable and effective manner.
23. 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.
24. Any action taken as a result of proven persistent and/or vexatious complaint should be proportionate to the degree of annoyance/aggravation caused.
25. The complainant should be warned in writing that their complaint is considered persistent and/or vexatious and be given an opportunity appropriately restate or withdraw their complaint before any further action is taken.
26. If the complainant continues to behave in unreasonable and/or vexatious way, the Chairman or in their absence the Deputy Chairman of the council should seek the approval of the council to follow the policy and agree what action(s) to take, which may include restricting or refusing any further contact. In this case the following actions must take place:
 - The complainant must be advised by letter from the Town Clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.
 - 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 2018.
 - The Clerk must notify all councillors and members of staff as appropriate.
 - Any new complaint from any person who has come under this policy must be treated on its merit.
 - The decision taken should be reviewed after 6 months. The complainant must be notified of the result if the decision to apply this policy has been reversed.