

Lorton Parish Council Complaints Procedure

INTRODUCTION

1. This Complaints Procedure replaces the “*Complaints Procedure for use in Complaints Against the Council (Not for Complaints about Individuals)*” adopted in September 2015.
2. Lorton Parish Council has adopted this procedure to provide clarity and ensure complaints are properly and fully investigated and considered. It will apply when efforts to deal with a complaint informally by either the Clerk or Chair have been unsuccessful.
3. Complaints alleging that a Parish Councillor’s conduct breaches the Parish Council’s code of conduct are not dealt with by the Parish Council, and should be addressed to the Monitoring Officer, Cumberland Council, Civic Centre, Rickergate, Carlisle, CA3 8QG.
4. In accordance with guidelines issued by the National Association of Local Councils (NALC), a complaint about an individual employee or member Parish Councillor(s) will be treated as a complaint against the Parish Council itself, not as a complaint against the individual employee or Parish Councillors. Such complaints will be considered in accordance with the complaints procedure below. If, following the outcome of a complaint which related to an employee, the Parish Council decides that there may be a need to take disciplinary action, this will be done in accordance with its Disciplinary Procedure. In accordance with ACAS guidelines, the disciplinary outcome will remain confidential.
5. The Council will endeavour to deal with complaints within 12 weeks, but more complex complaints may take longer, including if a meeting is convened to hear verbal representations. If it appears that the Council cannot resolve the complaint within 12 weeks, the complainant will be notified that further time will be needed.

MAKING A COMPLAINT

6. All formal complaints should be put in writing to the Parish Clerk. If the complainant does not wish to put the complaint to the Clerk (including if the complaint relates to the Clerk), he or she should address it to the Chair of the Council. The email addresses for the Clerk and Chair are available on the Parish Council webpage. However, if a complainant prefers to send a complaint

by post, they should in the first instance contact the Clerk or Chair by telephone or email to confirm the postal address it should be sent to.

7. The Clerk (or Chair when applicable) will acknowledge receipt within 7 days and ask the complainant to confirm whether they wish the complaint to be dealt with in confidence. The Council anticipates that complainants are likely to want confidentiality. In any event, Parish Councillors will be made aware of the complaint and its contents, unless for reasons of confidentiality that is not appropriate.
8. The Council will consider the complaint exclusively through written communications, either by (i) the Chair or a single Parish Councillor acting alone, (ii) the Clerk, or (iii) a sub-committee of councillors. The decision as to which of those should consider the complaint will be taken by the Chair; he or she may invite Parish Councillors' views in that respect and will take that into account when making their decision.
9. In exceptional cases the complainant may be invited to make verbal representations. It is unlikely that a complainant would be invited to do so where the complaint concerns allegations relating to a member of staff. Whether to invite the complainant to make verbal representations is at the discretion of the Council, and the complainant may decline the invitation and ask that the complaint is dealt with through written communications. The Council will propose whether the verbal representations should be made solely to a Parish Councillor, at a meeting of the full council (which will be held in private and minutes will not be made publicly available), or at a meeting of a sub-committee convened for the purpose, also held in private. It will consider the complainant's preference in this respect, but has the final say as to which it deems appropriate.
10. The complainant will be informed whether the complaint will be dealt with through written communications or whether they are invited to make verbal representations within 21 days of the complaint being received.

AT THE MEETING (IF ONE IS HELD)

11. If a meeting is held, seven clear days prior to that meeting the complainant should provide the Council with copies of any further documentation or

evidence relevant to the complaint. Similarly, seven clear days prior to the meeting, the Council will provide the complainant with copies of any documentation or evidence it considers are relevant to the complaint. It may be that neither the complainant nor the Council has any further information to provide.

12. The complainant may be accompanied to the meeting by a friend or family member, but that person will not be permitted to speak at the meeting unless the Chair of the meeting agrees.
13. At the outset of the meeting, the person conducting it (be it the Clerk, Chair of the full Council or sub-committee, or a single Councillor) will introduce everyone and explain how the meeting will proceed.
14. The complainant (or their representative) should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk (save where the Clerk is the subject matter of the complaint) or a single nominated Parish Councillor (who will be different to the person conducting the meeting).
15. The Clerk (or nominated Parish Councillor) will have an opportunity to explain the Council's position and questions may be asked by the complainant.
16. The Clerk (or nominated Parish Councillor) and complainant will then be offered the opportunity to summarise their respective positions, i.e. that of the Council, and that of the complainant.
17. At the end of the meeting, the person chairing it will advise the complainant when a decision is likely to be made and when it is likely to be communicated to them.

THE COMPLAINT OUTCOME

18. When the complaint has been considered, the Council will write to the complainant to advise whether the complaint has been upheld. The decision as to whether the complaint is upheld will be made by whoever was considering the complaint (as set out in paragraphs 8 (written communications) or 9 (verbal communications)). That decision-maker, or the Chair of the Council, may at any stage decide that full Council approval should be given to the outcome, but in such circumstances the decision-maker will set out their recommendations and

reasons, and these will only be departed from in exceptional circumstances. In any event, the full Council will also be informed of the outcome, unless for reasons of confidentiality that is not appropriate.

19. The complainant will be given reasons for the decision and details of any action to be taken will be set out if appropriate. If the complaint was upheld and concerned an employee, the complainant will not be told what action the Council will be taking, save for the fact that they may (but will not necessarily) be told that the Council is considering whether the Disciplinary Procedure applies. They will not be told what the outcome of that decision is, and, as set out in paragraph 4 above, if the Disciplinary Procedure is followed, the outcome will be confidential.
20. Given that Lorton is a small parish with only one part-time employee, there will be no right of appeal against the complaint outcome.

VEXATIOUS COMPLAINANTS

21. Although Lorton Parish Council is committed to dealing with complaints fairly and transparently, there may be complainants who because of the frequency, nature or tone of their contact with us, adversely affect our ability to serve the community. Such complainants will be referred to as ‘vexatious’ and the following paragraphs will apply. Examples of vexatious complainants are those who make complaints that:
 - a. Clearly do not have any serious purpose or value (including because the subject-matter of the complaint has already been addressed);
 - b. Are designed to cause disruption or annoyance;
 - c. Have the effect of harassing the Council (and/or its employee(s)) or can be seen as obsessive or unreasonable.
22. If it is considered by the Parish Council that an individual is a vexatious complainant, the Clerk will write to them informing them of this decision, explaining the reasons, and warning them that restrictions may be placed on their contact with the Parish Council if further vexatious complaints are made. They will be sent a copy of this policy at the same time.

23. Following that notice being sent, if further vexatious complaints or inappropriate communications are received (including by telephone), the Parish Council will decide whether and what restrictions should be imposed. Restrictions will be appropriate and proportionate, and may include but are not limited to placing correspondence on file without acknowledgment or reply, refusing to process further complaints about a specified matter and/or refusing to take telephone calls from the complainant. The complainant will be informed of the decision to impose restrictions, what the restrictions are, and how long they will be imposed for.
24. The restrictions may be imposed for up to 12 months. If at the end of that period a complainant contacts the Council with a further vexatious complaint, the restrictions may be made permanent.
25. Even if a complainant is under restrictions, they may still contact the Council with new issues which will be treated on their merits.

Adopted:

To be reviewed in 5 years, unless NALC guidelines or relevant law requires an earlier review. Review September 2030.