



**FAIR OAK & HORTON HEATH PARISH COUNCIL**

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# CONSTITUTION

## CHAPTER 9

# COMPLAINTS PROCEDURE INC VEXATIOUS COMPLAINANTS

Adopted: May 2023

Review: May 2024

## **1. Introduction**

- 1.1 Fair Oak & Horton Heath Parish Council aims to provide residents with the best possible service. However, sometimes things do go wrong and if this happens, please tell us about it, so we can put things right. It's usually better to approach a Councillor or member of staff informally and try to resolve the situation. If that isn't possible or if that approach hasn't worked for you, please follow this complaints procedure.
- 1.2 We take all complaints seriously and do our best to learn from them. We will investigate complaints in a fair and proportionate way. Handling of complaints is undertaken with the strictest confidence. Making a complaint about us does not mean you will be treated differently to any other resident in the future. You will be treated politely and with respect.
- 1.3 We want to resolve complaints swiftly, finding solutions to the satisfaction of all parties. We hope this procedure helps this process.

## **2. Complaints not covered in this procedure**

- 2.1 There are certain matters that are not treated as complaints and are not covered by this procedure, these include: -
  - by one council employee against another council employee or by a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - against Cllrs. These types of complaint refer to a breach of the Cllrs Code of Conduct, which can be found in our constitution. If this is the case, you should contact Eastleigh Borough Council's Monitoring Officer.
  - Minor day-to-day concerns, these service enquiries will be dealt with by the Clerk.
  - Anonymous complaints
  - General 'gripes' posted on social media
  - Complaints which have already exhausted this procedure

## **3. Other avenues to raise issues**

- 3.1 The best time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed or by simply coming to the meeting in person. There is always an opportunity to raise your concerns in Council meetings. To find out more on this please email the Clerk for advice by emailing [clerk@fairoak-pc.gov.uk](mailto:clerk@fairoak-pc.gov.uk)

## **4. Formal complaints**

- 4.1 If your complaint is an expression of dissatisfaction about the conduct or standard of service by the Council, the matter will be dealt with under our Corporate Complaints process. The process has been designed to ensure your complaint is dealt with as efficiently and satisfactorily as possible.

- 4.2 The three-stage process is outlined below:

### **Stage 1:**

- Your complaint will initially be dealt with by the Parish Clerk who will acknowledge your complaint within five working days. You may log your complaint in person, by

phone, or by writing to or emailing the address and number set out above.

- The Parish Clerk will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Parish Clerk will try to resolve your complaint within ten working days.
- If this is not possible, the Parish Clerk will provide an estimate how long the investigation is likely to last.

### **Stage 2:**

- If you are not satisfied with the decision of the Parish Clerk or if your complaint concerns the Parish Clerk, you may make your complaint directly to the Chair of the Council.
- The Chair of the Council will investigate each complaint and may ask for further information as necessary from you and/or from Cllrs or staff.
- The Chair of the Council will try to resolve your complaint within ten working days.
- If this is not possible, the Chair will normally acknowledge your complaint within five working days and estimate how long the investigation is likely to last.

### **Stage 3:**

- If you remain dissatisfied with the response to your complaint, you may ask the Chair of the Council to refer it to the next available Council meeting for discussion.
- If appropriate, your complaint will be considered by Cllrs in a confidential session at the meeting. You will be invited to attend this meeting and you will be notified in writing of the outcome of the review of your complaint after the meeting.
- The Council will use a set procedure for consideration for your complaint at the meeting, and this will be sent to you in advance of the meeting.
- The Council will make a final determination on the matter and this will be relayed to you in writing within 5 working days of the meeting.

- 4.3 Every effort will be made to resolve complaints without undue delay. The complaints procedure is designed to put things right if something has not been done correctly, and if that's not possible, we will explain why.

## **5. Still not satisfied?**

- 5.1 We hope that we can satisfactorily resolve your complaint. However, if you are unhappy with the action we have taken, you can contact the following organisations:

- For complaints about Councillors conduct, the Monitoring Officer, Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN. For more information visit [www.eastleigh.gov.uk](http://www.eastleigh.gov.uk) or call 023 8068 8000
- For complaints that were related to financial matters where you think we have acted illegally or improperly please contact our External Auditor, PKF Littlejohn. For more information visit [www.pkf-littlejohn.com](http://www.pkf-littlejohn.com) or call 020 7516 2200
- For complaints about information you have requested under the Freedom of Information Act 2000 or Data Protection Act 2018 contact the Information Commissioner For more information visit [www.ico.org.uk](http://www.ico.org.uk) or call 0303 1231113

## **6. Persistent or Unreasonable Complaints**

- 6.1 In a minority of cases people can pursue their complaints in a way which is unreasonable. This Council defines persistent or unreasonable complainant as "those who, because of the

frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council”.

6.2 Some complaints may have justified complaints by may pursue them unreasonably, examples of what could be defined as unreasonable are: -

- Asking for responses in a short space of time;
- Refusing to specify the complaint despite offers of help;
- Refusing to cooperate with the investigation while expecting the complaint to be resolved;
- Making groundless complaints about employees;
- Adopting a ‘scattergun’ approach i.e submitting a complaint to a number of different people at the Council or pursuing a complaint with the council and asking others to do the same i.e MPs, Police);
- Making excessive demands on the time of employees
- Recording conversations with officers without prior knowledge
- Submitting repeat complaints on the same topic after the complaints process has been completed;
- Refusing to accept the decision and repeatedly arguing the point;
- Pursuing unreasonable complaints that provide no, or inadequate, details to substantiate the allegation of wrong-doing/effort on the part of the Council

6.3 All complaints will be considered thoroughly and fully. However, if a complainant is felt to be acting unreasonable the employee should seek confirmation from the Clerk that the complainant can be regarded as persistent or unreasonable in accordance with this policy. The following procedure will then be followed.

Where a complaint has been dealt with:

- The Clerk will write to the complainant explaining why the decision has been taken and stating no further correspondence will be undertaken on the complaint or the issues they have raised.
- A copy of this procedure will be enclosed.

Where the investigation is ongoing:

- The Clerk will write to the complainant explaining why the decision has been taken and will either:
- State future contact (phone, email, letter etc) will be directed to the Clerk only; or explain that contact with officers will be limited to once a week or other appropriate timescale: or
- Require any personal contacts to be in the presence of named witnesses; or
- State no further complaints on the same matter will be registered until the present complaint has been determined; or
- State that investigation has been terminated.

6.4 The above list is not exhaustive, and decision will be made on the appropriate way forward by the Clerk in consultation with the Chair of the Council.

6.5 Any restrictions imposed under the above procedures will be kept under review and be removed if the need for them no longer exists.

## **7. Review**

7.1 This procedure will be reviewed and updated bi-annually.

Date adopted: May 2023

Review date: May 2025