



## **Complaints Policy**

Headbourne Worthy Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area, or who are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, its administration or its procedures this Complaints Procedure sets out how you may complain to the council and how the Council shall try to resolve your complaint.

### **This Complaint Policy does not cover**

This complaint procedure does not apply to

- Financial irregularity because these are handled by the Council's own auditor.
- Criminal activity because these matters are handled by the Police.
- Grievances by a Council employee matters for a Council employee because these are handled under the Council's employee grievance procedures.
- Complaints about the conduct of Council Members because these are handled by the Winchester City Council monitoring authority.

The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures.

### **Stage 1: Informal Resolution**

If you wish to make a complaint it should be addressed to the Clerk by email or by post. Where appropriate we will make reasonable adjustments to accept complaints received otherwise.

On receipt of a complaint the Clerk, as proper officer of the Council, will seek to resolve the complaint, directly with the complainant, on an informal basis. This will be done with reference to established policies and Standing Orders of the Council. These are available on the Headbourne Worthy Parish Council website. The Clerk cannot uphold the complaint if these policies and Standing Orders have been adhered to.

### **Timescales**

On receipt of the complaint the Clerk will acknowledge the complaint within 5 working days. The Clerk will provide the complainant with the Council's complaint policy and will confirm their understanding of the complaint. The Clerk will endeavour to deal with the complaint within 21 working days of receipt.

### Complaint about the Clerk to the Council

The complaint should be addressed to the Chair of the Council. The Chair will follow the procedure for informally resolving the complaint.

### Resolution of complaint

The Clerk will obtain any further information as necessary from the complainant, staff, or Councillors before making an assessment based on the Council's established policies and standing orders.

Although resolution is on an informal basis, all members of the Parish Council will be advised that a complaint has been received and will be notified of the outcome.

### Further Procedure if the complainant is dissatisfied

If the complainant is dissatisfied with the outcome of the informal resolution they can request to go to the formal complaint procedure. To be considered for stage 2 the complainant will need to provide new evidence or any evidence that the clerk has not considered the complaint appropriately.

A request for escalation to a formal complaint procedure needs to be made within 14 days of receiving the complaint outcome provided by Clerk.

At the Clerk's discretion, if appropriate, the Clerk may submit the complaint directly to Stage 2: Formal Complaints Procedure.

### **Stage 2: Formal Complaints Procedure**

A stage 2 formal complaint will be considered by the full Council. Any Councillor who is the subject of a complaint will not sit on the Council for the consideration of the complaint.

The Clerk, Chair or other nominated officer shall acknowledge receipt of the Stage 2 complaint. The complainant will also be advised as to whether the complaint will be treated as confidential or whether notice of it will be given in public.

The Council may defer dealing with any written complaint if it is of the opinion that issues of law or practice arise on which professional advice is required.

The complainant will be invited to attend a meeting and may bring with them a friend for support if they so wish.

Five clear working days prior to the meeting the complainant and the Council via the Clerk shall exchange copies of any documentation or other evidence which will be relied upon.

The Council meeting hearing the complaint will be an open session.

The meeting will follow the following format:

- (i) The Chair shall introduce everyone and explain the procedure.
- (ii) The complainant shall outline the grounds for complaint. Thereafter questions may be asked by the Clerk and then and or members of the Council.
- (iii) The Clerk will explain the Council's position in relation to policies and standing orders and questions may be asked by the complainant and or members of the Council.

(iv) The complainant will be offered the opportunity to summarise their position.

(v) The complainant will then be asked to leave the room whilst the members deliberate on the complaint. The complainant may be asked back if there is any clarification required.

(vi) The Council will endeavour to arrive at a decision on the day at the meeting. If they are unable to complete their deliberation, the complainant will be advised when the decision is likely to be made and how and when it will be communicated to them.

(vii) In any event the decision will be communicated within five working days together with the rationale for the decision and any further action that may be required.

Any decision taken by the Council regarding a complaint will be considered as final and there is no further right of appeal.

### **Unreasonable and Vexatious Complaints**

If a complainant unreasonably persists in pursuing a complaint where a Council has already taken fair and proportionate action or where some other process and recognised procedure has been taken then the Clerk may consider that the complaint is vexatious, oppressive or an abuse of procedure. In such circumstances the Clerk reserves the right to manage correspondence with the complainant which may include only replying to correspondence if it appropriate to do so. Unnecessarily argumentative or abusive or unreasonably derogative correspondence will be ignored. Any complaint in relation to the conduct of the Clerk in such circumstances will automatically be considered vexatious. Unreasonable conduct from a complainant may also include multiple emails and emails copied into other parties not directly relevant to the Parish Council and may result in the further emails being blocked. Further correspondence will then only be accepted in writing and by post.

### **Anonymous Complaints**

Anonymous complaints will not be considered.

### **Other complaints**

For financial irregularity complaints should be addressed to the Parish Council's existing external auditors who are PKF Littlejohn LLP, 1 Westferry Cross, London, E14 AHD

For conduct matters (complaints which relate to an alleged failure of a Parish Councillor to comply with the Parish Council's Code of Conduct) the complaint should be addressed to The Monitoring Officer, Winchester City Council, Colebrook St, Winchester SO23 9LJ.