



Calstock Parish Council

Complaints Policy

Amended 2021

Calstock Parish Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members or employees. To address these issues the Council has adopted a Code of Practice for Handling Complaints.

Definition of a Complaint

Under the Code a complaint is defined as ‘any expression of dissatisfaction, however made, and whether justified or not, about the standard of service, action or lack of action by the Council or its staff, affecting an individual or group of individuals. A complaint is not an initial request for a service to be delivered.

What the Code Covers

The Code does not apply to all complaints. It does not cover complaints about the following

- financial irregularity. Local electors have the statutory right to object Council’s audit of accounts (pursuant to s.16 Audit Commission Act 1998). On other matters, the Council may need to consult their auditor
- criminal activity. This will be reported to the Police
- employee conduct. This will be dealt with under the Council’s internal disciplinary procedure
- individual Councillor’s conduct that breaches the Code of Conduct. This will be referred to the Monitoring Officer at Cornwall Council.

The Complainant will be informed by the clerk if their complaint cannot be dealt with under this Code, if it is to be handled under a specific procedure, or if it needs to be redirected to a different organisation.

Confidentiality

Calstock Parish Council supports the principles of open government and aims for a transparent administration. Complainant will be informed that their complaint will be dealt with in an open manner. However, complainant can request that their contact details remain confidential.

Anonymous Complaints

The Clerk and Chair shall decide if the complaint has sufficiently serious implications (for health and safety, for example) to warrant any investigation.

Equalities Statement

The Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (age, race, gender, sexual orientation, marital status, and any disability) Crime & Disorder, Health & Safety and Human Rights.

Dealing with Complaints

Complaints about the Actions of an Employee of the Council

1. Any complaint against an employee of the Council must be submitted in writing (in any format).
2. If the complaint is against the actions of the Clerk, it should be submitted in writing to the Chair.
3. If the complaint is made against the actions of an employee, it will be considered as an employment issue and will be dealt with under the Council's internal disciplinary procedure and dealt with by the Personnel Committee of the Council at a meeting held in the absence of the press or public.
4. The complainant may be invited to attend part of such a meeting to explain the nature of their complaint, and to bring with them a representative if they wish.
5. Persons mentioned in the complaint will have the opportunity to explain the nature of their actions to the meeting.
6. The result of any Council consideration of a complaint will be announced at a Council meeting in public.

Other Complaints

Verbal Complaints

1. On receipt of a complaint, the Clerk will try to answer the complainant immediately or as soon as is practicable. Full details of the complaint together with the complainant's contact details will be recorded, including time and location

parameters wherever possible. A record of the actions/outcome of the complaint will be noted on the file.

2. A Complainant who is not satisfied by the explanations provided by the Clerk or Chair will be requested to put the complaint in writing (in any format) in order that it can be investigated more fully. The complainant should be asked to write to the Clerk, but if they do not wish to put the complaint to the Clerk, they should be advised to address it to the Chair.

Written Complaints

1. On receiving a written complaint, the Clerk shall record full details of the complaint electronically. The Clerk shall try to settle the complaint directly with the complainant. A record of the actions/outcome of the complaint will be noted on the file.
2. If the complaint is about the behaviour of a member or employee of the Council, the Clerk must also notify the person and offer the opportunity for comment on the way it is intended to try and settle the complaint.
3. If necessary, the Clerk will send a holding letter(s) to the Complainant to allow further time to address the issues raised.
4. Where a Complainant is not satisfied by the Clerk's response to their written complaint, the Clerk or Chair shall bring the complaint to the next meeting of the Council.
5. The Clerk shall consult with the Chair/Vice Chair to nominate a member to put the Council's position at the meeting.

Before the Meeting

6. The Clerk shall notify the complainant of the date of the meeting and explain that a resolution can be sought from the Council under the Council's Standing Orders 1c that the complaint should be considered in the absence of the press and public.
7. The Clerk shall consult with the Chair/Vice Chair to consider whether a resolution should be sought from the Council that the complaint should be considered in the absence of the press and public. The decision on the complaint shall be announced at a Council meeting in public.

8. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting, and to bring with them a representative if they wish.
9. The Complainant shall provide the Council with copies of any documentation or other evidence relied on. For most complaints this information should be received at least seven working days before the meeting. Where the Clerk decides that the complaint is a complex one, she/he shall advise the Complainant when the information should be provided.
10. The Council shall provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

11. The Chair should introduce everyone and explain the procedure.
12. The Complainant (or representative) should outline the grounds for complaint and, thereafter, the Clerk and then members of the Council may ask questions.
13. The nominated member will have an opportunity to explain the Council's position, and the Complainant and other members may ask questions.
14. The nominated member and then the Complainant should be offered the opportunity to summarise their position.
15. The nominated member and the Complainant should be asked to leave the room while members of the Council decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
16. The Complainant should be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.
17. The Clerk will communicate to the Complainant in writing the decision that has been made by the Council and the nature of any action taken by the Council.

Obsessive or Aggressive Complaints

If any Complainant behaves in a way that the Council decides is unreasonably persistent or vexatious, to impede the investigation of the complaint or have significant resource

issues for the Council, the Clerk or Chair will contact the Complainant discuss the situation and explain that the Council may restrict the Complainant's contact with the Council about the complaint. New complaints will be treated on their merits and decisions will need to be taken on whether any restrictions that have been applied before are still appropriate and necessary.

Calstock Council operates a zero-tolerance approach to violent, aggressive and threatening behaviour towards employees or members of the Council; this can include verbal and written abuse or threats, or harassment that causes distress (whether in person or over the telephone). Complainant that persistently display this type of behaviour may not be served by employees and may be banned from Calstock Council premises, if not to do so would create an unacceptable risk to the health and safety of an employee. Employees have the right to terminate a telephone call if the caller is threatening or uses offensive or abusive language.