

Complaints Procedure

Adopted by Full Council on February 20th 2023

Introduction

1. Fernwood Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or 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, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. Fernwood Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.
3. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
4. The appropriate 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. There is the opportunity to raise your concerns in the public forum of Fernwood Parish Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

When is our complaints procedure not appropriate?

5. Other bodies have responsibility for certain types of complaint. These are summarised below:

Issue	Refer to
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s.27 (1) of the Local Audit and Accountability Act 2014). The external auditor details are published with Accounts Notices (on the Parish Council's website and noticeboards).
Alleged criminal activity	The police.
Complaints against councillors.	Newark and Sherwood District Council is responsible for handling complaints that

Issue	Refer to
	relate to a member's failure to comply with the council's code of conduct.
Complaints by one council employee against another council employee, or between a council employee and the council as employer	These matters are dealt with under the council's disciplinary and grievance procedures.

Complaints Against Individual Councillors

6. Complaints about the behaviour of any Councillor must be submitted to: **The Monitoring Officer, Newark & Sherwood District Council, Castle House, Newark, NG24 1BY.**

Informal Complaint

7. You may make an informal complaint about the council's procedures or administration in person, by phone, or by writing to or emailing the Clerk. The contact addresses and numbers are set out at the end of this document.

Formal Complaint

8. Complaints regarding the Parish Council or staff should be sent in writing to the Parish Clerk. The complaint should be addressed to, and will normally be handled by, the Clerk. Most complaints will be dealt with by an investigation, carried out by the Clerk.
9. Complaints must be directed through the Council office, not through individual Councillors. The only exception is when the Clerk is involved (in any way) with the issues causing the complaint: in such a case, the complaint should be addressed directly to the Chairman of the Council's Personnel Committee.
10. Thus, where the following paragraphs refer to actions by the Clerk, they can be interpreted to mean the Chairman of the Personnel Committee.
11. If the issue raised is deemed to be serious, the complaint must be submitted formally in writing – although this may be a follow-up to an initial verbal or e-mail complaint. The complaint should cover as much detail as possible and enclose any relevant supporting documentation or other evidence.

Procedures Following Receipt by the Council of a Complaint

12. On initial receipt of a complaint, the Clerk will determine whether the issue is relatively minor and can be resolved by an informal investigation, or whether it is a serious matter requiring formal investigation. The Clerk will inform the complainant, as soon as possible, of how the complaint will be treated and, if a formal investigation is required, will request that the complainant confirm the details in writing.

13. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not authorised to resolve complaints, nor to investigate them, unless so tasked by the Personnel Committee or the Full Council. Councillors will not express personal opinions about complaints awaiting investigation, or about the conclusions and results of any investigation.
14. It is expected that most complaints can be resolved through the informal route. However, the Council appreciates that on occasions, if an informal approach has not resolved the complaint to the complainant's satisfaction, or the initial complaint is of a serious nature, then the formal complaints process should be followed.
15. If the investigation is informal, the Clerk will discuss relevant issues with any persons involved and assess the validity of the complaint. The Clerk will take any necessary action which might arise from the investigation and will inform the complainant of the result of their complaint (i.e. whether it has been upheld or dismissed). However, the complainant is not entitled to be told of any actions taken in relation to members of staff.

Formal Investigation Procedures

16. In the case of a formal complaint, the Clerk will acknowledge receipt of the complaint, in writing, within five working days. The Clerk will then carry out a formal investigation into the complaint, recording the results of interviews or other relevant research; the basis of any conclusion or decision reached; and the determination of any resultant action. Within ten working days, the Clerk will provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the suggested resolution, the complaint will be considered closed. If not, the Clerk will take any necessary steps to investigate further and will seek the support of the Personnel Committee in furthering the investigation and/or reaching a formal decision. In complex cases, the Personnel Committee may nominate one or more Councillors to carry out a detailed investigation.
17. The Clerk will report to the Personnel Committee, and / or to the Full Council, summary details of the complaint and of its resolution. This report will exclude the names of the complainant(s) and those of any Council staff involved. The Clerk will also advise the complainant of the result of their complaint (i.e. whether it has been upheld or dismissed).
18. If the complainant is dissatisfied with the response to their complaint, they may ask for the complaint to be referred to the Full Council; they will be notified in writing of the outcome of the review of the original complaint. This can take up to 8 weeks.

Action Against Council staff

19. A complaint against a member of the Council's staff could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled, and also to comply with privacy legislation.

Repeated or Vexatious Complaints

20. A small percentage of complaints may be persistent or be framed in a way that appears to be obsessive, harassing, or repetitious. Dealing with such complaints – termed “vexatious¹” – can consume a disproportionate amount of resources and can sometimes be unacceptably stressful for staff. Although everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable, or which has the effect of intimidating or harassing staff. The responsible investigator may – based on justified evidence - determine that such a complaint should be dismissed without investigation or ignored.
21. For full details of how repeated or vexatious complaints are dealt with, refer to the Council’s Vexatious Communications and Complaints Policy.

Contact details:

Email: clerk@fernwood-pc.co.uk

Phone: 01636 613024

Post: Fernwood Parish Council, Fernwood Village Hall, Rubys Avenue, Fernwood, NG24 3RS

¹ A vexatious or persistent complaint includes:

- Actions which are obsessive, persistent, harassing, prolific, or repetitious
- Insistence upon pursuing otherwise meritorious complaints in an unreasonable manner
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason