

LANDEWEDNACK PARISH COUNCIL COMPLAINTS PROCEDURE

1. Landwednack Parish Council is committed to providing a quality service and is keen to hear people's comments and committed to using the information to improve its services. If you are dissatisfied with the service you have received from this Council we hope that you will let us know and we will seek to respond promptly to your concerns.
 2. Landwednack Parish Council meets every month (except for August) on the second Thursday of the month. The agenda for the meeting is put up on the noticeboards three days in advance of the meeting. If you have a view about a matter that is before the Council you are invited to contact the Clerk to express your views. Members of the public are invited to attend all Parish Council Meetings and this also provides an opportunity for parishioners to raise questions and concerns. You can also contact Councillors or the Clerk at any time. Contact details are set out on the Parish Council Noticeboards.
 3. This complaints procedure sets out how to complain to Landwednack Parish Council about the Council.
 4. A Complaint is defined as an expression of dissatisfaction about the standard of service, action or lack of action by Landwednack Parish Council, its elected members or staff which affects an individual or group.
 5. Complaints about the Clerk will be dealt with under the Council's Discipline procedure. If you do not wish to make the initial complaint to the Clerk you can contact the Chairman of Landwednack Parish Council.
 6. All Councillors are required to observe a Code of Conduct. This Code can be accessed on the Cornwall Council website or by contacting the Clerk. If you wish to complain that a councillor has breached the Code of Conduct, you can contact the Monitoring Officer at Cornwall Council.
 7. A complaint about the standards of service or action or lack of action by Landwednack Parish Council should be made to the Clerk by phone (Tel 07852 535689), in writing (6 Parc Brawse, Penmenner Road, The Lizard, Helston TR12 7NP) or by email: clerk@landwednackparishcouncil.org.uk
- A complaints form is attached at Appendix 1
8. A complaint about the Council may be dealt with informally by the Clerk providing information, instigating appropriate action or explaining a decision.
 9. If the complainant is unhappy with the response they will be requested to put their complaint in writing and the Clerk is required to acknowledge the complaint within 5 working days explaining how the complaint will be investigated.
 10. The Chairman will decide how the complaint will be investigated and by whom and will aim to ensure that the investigation will conclude within 14 days. The investigation may be undertaken by the Clerk on his/her own or in conjunction with

named Councillors depending on the subject of the complaint. If it does not prove possible to meet the timescales the Clerk will write to the complainant explaining the reasons for the delay and providing new timescales for action. The investigation will include offering the complainant an opportunity to comment further.

11. At the end of the investigation the Chairman will agree a response to the complainant. The complainant will be advised that having received a full response to the complaint they have the right to request within 28 days that the matter should be referred to the full Council. A decision made by the full Council should be considered final and the complaint will be considered closed. If the complainant does not respond within 28 days the complaint will be considered closed.

12. If the complaint is referred to the full Council the procedure at Appendix 2 will be followed.

13. All complaints against the Council and the responses to them will be reported to the full meeting of the Council.

14. If the Council considers it is receiving unreasonable or vexatious complaints from a member of the public it will consider taking legal advice before responding to the complainant.

15. If the Council receives anonymous complaints these will be referred to the Clerk and may be acted upon at his/her discretion. The Clerk will report any anonymous complaints to the full meeting of the Council.

16. **Unreasonably Persistent Complainants:** Landewednack Parish Council is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The Council will not normally limit the contact complainants have with the Council. However, we do not expect Councillors or the Clerk to tolerate unacceptable behaviour and will take action to protect them from that behaviour, including that which is abusive, offensive or threatening.

17. Landewednack Parish Council defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the Council, hinder our consideration of their or other people's complaints'.

18. A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about Councillors or the Clerk who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the complaints procedure has been fully and properly implemented and completed including referral to the Monitoring Officer of Cornwall Council
- seeks an unrealistic outcome;
- makes excessive demands on Council time by frequent, lengthy, complicated and stressful contact with Councillors or the Clerk regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

19. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as on social media websites and in newspapers.

20. Complainants should limit the number of communications with a Council while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

21. Whenever possible, the Council will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

22. If the behaviour continues the Council will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who

excessively contact the Council causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

23. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

Adopted: 2016

Review Date: May 2021

Appendix 1

LANDEWEDNACK PARISH COUNCIL

Complaints Form

Name:
Address:
Tel No:
Email address:
Name of representative:
Contact details of representative:

What is your complaint? :
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Please continue overleaf if required

Signed Date:

LANDWEDNACK PARISH COUNCIL
Appendix 2

Procedure to be followed if a Complaint is considered by the full Council

1. The complainant will be notified of the date and time of the meeting and be invited to attend with representation if they should so wish. They will be given full details of the complaints policy and the procedure to be followed.
2. The complainant will be asked to notify the Council in writing of the exact nature of the complaint and asked to submit this with copies of all documentation and evidence they wish to rely up seven days before the meeting.
3. The Council will provide the complainant with copies of any documentation that they wish to refer to at the meeting.
4. The Council will decide if it wishes any advisors other than the Clerk to be present for the hearing and notify the complainant in advance of the meeting.
5. At the meeting the Council will decide whether the nature of the complaint warrants the exclusion of the press and the public.
6. Chairman will introduce everyone and explain the procedure
7. The complainant or their representative will set out the complaint
8. Council members will ask any questions of the complainant and/or their representative
9. Council members will ask any questions of the Clerk and the Clerk will have the opportunity to explain the Council's position
10. All Councillors, the Clerk and then the complainant and/or their representative will be asked if they have any further points to make.
11. The complainant and the Clerk will be asked to leave the room whilst the matter is discussed by the Councillors. Parties may be asked back on a point of clarification.
12. The complainant and their representative and the Clerk will be asked to return to hear the decision of the Council.
13. The Clerk will confirm the decision in writing within five working days