

Complaints Policy

1. Introduction

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist residents with complaints against actions of the Council's employees or its administration.

St Nicholas with Bonvilston Community Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

St Nicholas with Bonvilston Community Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to our community. The Council welcomes feedback from the public.

Complaints must always be directed to the Council through the Clerk or Chair of the Community Council, not through individual Community Councillors. A Complainant may advise a Councillor of the details of the complaint, but individual Community Councillors are not authorised to resolve complaints.

2. Informal Complaints handled by the Clerk or Chair

If complaints are made to the Council either in person, by telephone, letter or email to Council employees or the Chair of the Council, the Clerk will try to resolve the complaint informally in a timely manner.

It is hoped that most complaints can be resolved quickly and amicably through this route.

In the event that the informal process does not satisfy a member of the public, St Nicholas with Bonvilston Community Council has a formal complaints procedure that should be followed.

3. Formal Complaints handled by the Community Council

If the Complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, he or she will be asked to submit a formal complaint in writing to the Council offices, addressed to the Clerk or Chair of the Community Council as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

- a) The Clerk or Chair of the Community Council will acknowledge receipt of the complaint, in writing, within 5 working days
- b) On receipt of a complaint the Clerk, in consultation with the Chair of the Community Council, will ascertain the category of the complaint and take the

relevant action with reference to the complaint category detailed in Appendix 1. The Complainant will be informed of which category the complaint falls under and the action required.

- c) If the complaint is considered to be a category D complaint (see Appendix 1), the Clerk or Chair of the Community Council will advise the Complainant when the matter will be considered by the Council. The Procedure in Appendix 2 will be followed in this instance.
- d) The Clerk or Chair of the Community Council will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council employee involved.

4. Repeated or Vexatious Complaints

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that it unacceptably stressful for staff.

Whilst 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.

A vexatious or persistent complaint can be characterised in a number of ways:

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



Appendix 1

Complaint Category A: Criminal Activity

Action: The Clerk should refer the Complainant to the Police.

Complaint Category B: Member Conduct

Action: A complaint against an individual Councillor is not covered by this Complaints Policy. If anyone wishes to make a complaint about the behaviour of an individual Councillor, they should contact the Monitoring Officer at the Vale of Glamorgan Council.

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillors Code of Conduct, complaints that are about people employed by the Community Council, incidents that happened before a member was elected or chose to serve on the Council, incidents that happened before the authority adopted its Code of Conduct, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides.

Complaint Category C: Employee conduct

Action: As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure. 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 staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Complaint Category D: Other

Action: Category D complaints are "expressions of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body action on behalf of the Council".



Appendix 2

Complaints Procedure

Before the Meeting to discuss the complaint

1. The Complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or their substitute. The Clerk or Chair shall acknowledge receipt of the request within 5 working days.
2. Complaints will be heard by the Full Council.
3. The Clerk or their substitute will advise the Complainant when the matter will be considered by the council, giving at least 10 working days' notice of the meeting. The Complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the council agenda.
4. The Complainant shall be invited to attend a meeting of the council and to bring with them one other person for support if they wish. They will not be entitled to bring legal representation. The other person, nor any other member of the public who may be present, may not address the meeting.
5. If the Council deem it necessary, it may require particulars of the complaint or any related matters to be submitted in advance of the meeting by the Complainant.
6. Five clear working days prior to the meeting, the Complainant shall provide the Council with copies of any documentation or other evidence relied on. 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 Complainant the opportunity to read the material in good time for the meeting.

Who will be at the meeting?

1. The Members of the Community Council.
2. The Clerk to the Council or a suitably appointed substitute.
3. The Complainant who may be accompanied by one other person for support as set out above.

At the Meeting

1. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
2. The Chair of the meeting should introduce everyone and explain the procedure
3. The Complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or their substitute and/or Members.
4. The Clerk or their substitute will have an opportunity to explain the Council's position and questions may be asked by the Complainant and Members.



5. The Clerk or their substitute, and then the Complainant should be offered the opportunity to summarise their position.
6. The Clerk or their substitute, and the Complainant and any person attending in support of the Complainant should be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
7. The Clerk or their substitute, and 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.

After the Meeting

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Right of Appeal

The Council's decision is final.

