

Burnham Market Parish Council Complaints Procedure

Scope and Purpose

This procedure applies to formal complaints against Burnham Market Parish Council (the Council) regarding its actions, services, or lack thereof. Complaints are treated as concerns against the Council as a corporate body, not against individual employees or members.

Excluded matters include financial irregularity (handled by the internal auditor), criminal activity (police), individual Council members (Monitoring Officer. These complaints should be sent directly to the appropriate organization and not sent to council.

Staff conduct will be managed as internal disciplinary procedure, not through the complaints process. Please direct such complaints to the Chair of the Council.

Burnham Market Parish Council will bear in mind the provisions of the Data Protection Act 1998/May 2018 as well as the Freedom of Information Act 2000 in dealing with complaints.

Submitting a Complaint

Complaints must be written and sent to the Clerk or Chair. Assistance can be provided. The complaint will be acknowledged within 7 working days, and the complainant must confirm their wish to proceed under this procedure.

Complaint Review Process

- Complaints are reviewed either by the full Council with two reserved for appeals, at the end of the next full meeting, or a panel of three councillors at an agreed date.
- Both parties will exchange relevant evidence/documentation at least 7 working days before the meeting.
- The Clerk represents the Council. Personal details are kept confidential unless necessary for the investigation.

Hearing the Complaint

1. The meeting chair explains the process.
2. The complainant (or representative) presents their case; councillors and the Clerk may ask questions. The complainant may be represented by an individual, but not paid legal advisor.
3. The Clerk explains the Council's position, followed by responding to any questions.
4. Both parties summarise their positions and leave while councillors deliberate.
5. A decision is either made during the meeting or a date set for resolution.

Adopted : May 2025

Reviewed Annually

Last reviewed: May 2025

Outcome and Appeal

- Decisions are confirmed in writing within 7 working days, including actions to be taken and the appeal process.
- Appeals must be submitted within 14 days if the complainant believes the complaint was not handled fairly.
- Two nominated councillors will review the handling of the complaint within 21 days. Outcomes include upholding the original decision or referring the matter back for reconsideration.

Habitual and Vexatious Complaints

Habitual or vexatious complaints include unreasonable or persistent grievances. Examples include refusing to cooperate, harassing staff, or repeatedly reopening closed cases.

- The Chair/Vice Chair verifies that in the first instance the complaints procedure has been followed correctly.
- Then attempts resolution by clarifying issues, suggesting alternatives, or appointing a representative (non-legal).
- If unresolved and repetitive, the Council may classify the complaint as vexatious and implement restrictions, such as limiting contact methods or ceasing responses.
- Actions will be proportionate and documented, with periodic reviews every 6–12 months.

Appendices

- ****Examples of Vexatious Complaints****: Unspecified grounds, harassment, excessive contacts, or refusal to accept outcomes.
- ****Possible Restrictions****: Limiting contact to specific channels, times, or individuals; requiring third-party mediation.

Appendix One

A persistent or vexatious complaint may be one in which the complainant:

- Has insufficient grounds for the complaint and may be making the complaint to annoy, embarrass or to waste time
- Refuses to specify the grounds for a complaint despite assistance
- Refuses to co-operate with the complaints process
- Refuses to accept the issues are not within the remit of the complaint's procedure or within the power of the Council to investigate
- Refuses to accept the outcome of the complaints process
- Insists on the procedure being dealt with in ways that are not in line with good practice
- Makes an unreasonable number of contacts in relation to a complaint
- Harasses, verbally abuses, or seeks to intimidate staff or Councillors
- Repeatedly introduces new information whilst the complaint is being investigated and expects this to be considered
- Denies statements made at an earlier stage

Adopted : May 2025

Reviewed Annually

Last reviewed: May 2025

- Makes the same complaint repeatedly, after the complaint's procedure has concluded
- Persists in seeking an outcome which is unrealistic for legal, policy or other

valid reasons

Appendix Two

Restrictions will be tailored to deal with individual circumstances and may include:

- Requiring the complainant to make telephone contact only through a third party
- Requiring the complainant to make contact only by letter or email
- Requiring the complainant to send e-mails only to a specific nominated individual
- Restricting telephone calls to specified times and/or of limited duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Advising the complainant that the Council will not respond to any further contact from them on the specified complaint