

**CHURCH LAWTON  
PARISH COUNCIL  
COMPLAINTS POLICY**

**Adopted May 2023**

To be reviewed each new Council or earlier if required.  
Review date – May 2027

## CONTENTS

### CONTENTS

1. INTRODUCTION .....	2
2. INFORMAL COMPLAINT.....	2
3. FORMAL COMPLAINTS.....	3
4. VEXATIOUS COMPLAINTS .....	4

**All references to Chairman: In the event of the chairman being absent, the vice-chairman can act in his stead.**

### 1. INTRODUCTION

- 1.1. The Parish Council is not subject to the jurisdiction of the Local Government Ombudsman and has adopted this policy to give clarity to the public to ensure complaints are properly and fully considered.
- 1.2. The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Code to ensure that complainants are properly and fully considered.
- 1.3. The Parish Council does not consider formal complaints against councillors. These are dealt with in accordance with the Council's adopted Code of Conduct by Cheshire East Council's Monitoring Officer.
- 1.4. All other complaints should be addressed to the Clerk and will be dealt with promptly to maintain public confidence.
- 1.5. Should the complaint be regarding the Clerk, it should be addressed to the Chairman whose email address can be found on the Parish Council website.
- 1.6. A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

### 2. INFORMAL COMPLAINT

- 2.1. The Parish Council will seek to resolve all complaints informally prior to a formal complaint being lodged.
- 2.2. An informal complaint is made to the Clerk who will liaise with the complainant and relevant members to seek resolution. The Clerk will acknowledge such a complaint within one week of receipt.
- 2.3. An attempt will be made to resolve the complaint within four weeks.
- 2.4. Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint.
- 2.5. Should, in the opinion of the Clerk or Chairman, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.

**2.6.** There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

### **3. FORMAL COMPLAINTS**

Where possible, the Parish Council would wish to solve any complaint informally prior to a formal complaint being lodged.

#### **3.1. FORMAL COMPLAINTS ABOUT COUNCILLORS**

- 3.1.1. The Parish Council cannot consider formal complaints about its members.
- 3.1.2. Members are required to comply with an adopted Code of Conduct.
- 3.1.3. A formal complaint about a member should be addressed to the Monitoring Officer of Cheshire East Council who will arrange the investigation of the complaint. Cheshire East Council has its own policies for dealing with such complaints.
- 3.1.4. The contact details for the Monitoring Officer are:

The Monitoring Officer, Cheshire East Council, Westfields, Middlewich Road, Sandbach CW11 1HZ

[monitoringofficercec@cheshireeast.gov.uk](mailto:monitoringofficercec@cheshireeast.gov.uk)

#### **3.2. FORMAL COMPLAINTS ABOUT THE CLERK**

- 3.2.1. Formal complaints about the Clerk must be made in writing to the Parish Council chairman; setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 3.2.2. Complaints will be processed in accordance with the Council's Disciplinary procedure.

#### **3.3. FORMAL COMPLAINTS ABOUT THE COUNCIL OR DECISIONS MADE**

- 3.3.1. Complaints about a decision, the general operations of the Council or the Council as a body should be made to the Clerk in writing, providing any additional information that will enable the complaint to be investigated. The Clerk will acknowledge receipt of the complaint within one week.
- 3.3.2. The complaint shall first be considered by the Clerk and Chairman who shall seek to resolve the issue or explain the background to the decision in writing to the complainant within four weeks.
- 3.3.3. Should it not be possible to resolve the complaint as outlined in 3.3.1 and 3.3.2, it shall be referred to the Council. The council may either uphold the decision of the clerk and chairman or may set up as panel to further consider the complaint. The panel should allow all parties opportunity to offer their position.

3.3.4. The panel will consider the complaint and report back to Council with a written report and recommendation. The decision of the Council upon receipt of the report will be final.

3.3.5. Records shall be kept detailing all complaints, actions undertaken and the outcome.

#### **4. VEXATIOUS COMPLAINTS**

**4.1.** A vexatious complainant is one who persists unreasonably with their complaints or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.

**4.2.** If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.

**4.3.** The Clerk and chairman will have joint authority to determine a complaint vexatious.

**4.4.** If a complainant is to be classified as vexatious, they shall be informed so and given a timescale of how long this will remain the case. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.

Approved May 2023

Signed:

..... Chairman ( )

..... Clerk (Sue Davies)

Date .....