



COMPLAINTS PROCEDURE

September 2018

Complaints Procedure

1. THE IMPORTANCE OF COMPLAINTS

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Parish Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

2. DEFINITION OF A COMPLAINT

- 2.1 *'A complaint is an expression of dissatisfaction by one or more members of the public about the parish council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the parish council itself or a person or body acting on behalf of the parish council'. Local Government Ombudsman definition.*

2.2 What the complaints procedure will deal with:-

The complaints procedure will deal with matters of maladministration, which is if the Parish Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 What the complaints procedure will not deal with:-

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Parish Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 13th May 2011, or at the time of co-option and, if a complaint against a councillor is received by the council it will be referred to the Monitoring Officer of Wealden District Council.

3. EQUAL OPPORTUNITIES

- 3.1 The Parish Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 3.2 Complaints by members of the public of discrimination and/or harassment against the Parish Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. COMPLAINTS OFFICER

- 4.1 The Complaints Officer for the Parish Council is the Clerk. Her main duties are:
- (i) The day to day operation and management of the procedure.
 - (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
 - (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
 - (iv) To identify improvement points arising from any complaints.
 - (v) To identify training issues.

In the event that a complaint is made against the Clerk, the complainant should be advised to put their complaint in writing to the Chair of the Parish Council.

5. COMPLAINTS AND QUERIES

- 5.1 The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

- 5.2 During the course of daily business, minor complaints are made to the Clerk about the services the Parish Council provides. These will usually be dealt with by the Clerk, It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

6. FORMAL COMPLAINT

A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter

further. They will be asked to put their complaint in writing to the clerk or other nominated officer.

If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.

The clerk or other nominated officer will try to acknowledge receipt of the complaint within 5 working days and will advise the complainant when, within the next 20 working days, the matter will be considered by the council or by the committee established for the purposes of hearing complaints. 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 (if, for example, the complaint is to be heard by a committee).

The complainant shall be invited to attend a meeting to be held within 20 working days, unless the matter is very complex in which case 28 working days will be allowed, and to bring with them a representative if they wish.

7 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 claimant the opportunity to read the material in good time for the meeting.

At the Meeting

The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.

The chairman should introduce everyone and explain the procedure.

The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.

The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.

The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

The clerk or other nominated officer and 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.

The clerk or other nominated officer 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 7 working days together with details of any action to be taken.

7. COUNCILLORS' PANEL

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to a Panel consisting of the Chairman of the Council and the local District Councillor.

8. UNREASONABLE AND VEXATIOUS COMPLAINTS

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the full Council with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

9. ANONYMOUS COMPLAINTS

Anonymous complaints should be referred to the Parish Clerk, and may be acted on at her discretion, according to the type and seriousness of the allegation.

10. RESOLUTION AND REMEDIES

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Council to make any final decision regarding remedy). An explanation or an apology will always be needed.

CONTACTS

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