



Stanway

Parish Council

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Complaints Handling and Complaints Procedure - DRAFT

Introduction

Clear guidance on handling complaints has been produced by the Local Government Ombudsman and can be accessed from the publications page of the LGO website (www.lgo.org.uk). Although directed at principal councils in England, parish and community councils may also find this guidance helpful, even though they are currently not under the remit of the Ombudsman. It is important that the Council's response to a complaint is "proportionate and timely". The LGO guidance for principal councils suggests that most complaints should be resolved within twelve weeks of receipt of the complaint.

In many cases, resolution may be possible within a much shorter timescale. Often an acknowledgement that something has gone wrong and an apology are all that the complainant wants. Not all complaints are justified or well-founded. Sometimes, councils may find themselves being called upon to respond repeatedly to an individual or group of individuals where that council has already investigated the matter under complaint (or something very similar) and has concluded that the complaint is without substance. In these cases, the LGO's 'Guidance note on management of unreasonable complainant behaviour' offers useful suggestions for the approach which may be taken and is readily applied to first-tier councils.

All complaints policies require regular reviews and a review every two years might be thought suitable. This enables the Council to take account of structural and legal changes such as changes to the standards regime in England brought about by the coming into force of provisions in the Localism Act 2011.

Complaints Procedure adopted on - TBA

Stanway Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

3. This Complaints Procedure does not apply to:

3.1 Complaints by one council employee against another council employee, or between a council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.

3.2. Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council and, if a complaint against a councillor is received by the Council, it will be referred to the Standards Committee of Colchester Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Colchester Borough Council.

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4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on any topic. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings.

If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

5. You may make your complaint about the Council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.

6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Complaints Committee of the Council [or whichever committee has this responsibility] or to the Council (as appropriate).

8. The Clerk or the Complaints Committee of the Council or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

9. The Clerk or the Chairman of the Council will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Complaints Committee of the Parish / Community Council or to the full Council (as appropriate) and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Dead Line

The Clerk of Stanway Parish Council

Address: The Parish Council Office, Victory Hall, Villa Road, Stanway, Essex CO3 0RH

Telephone: 01206 542221

Email: clerk@stanwayplc.org.uk

Chairman of Stanway Parish Council Address: The Parish Council Office, Victory Hall, Villa Road, Stanway, Essex CO3 0RH

Telephone: 01206 542221 Email: chairman@stanwaypc.org.uk

Complaints Procedure

PLEASE NOTE THAT THE BOROUGH COUNCIL, THE LOCAL MP OR THE LOCAL GOVERNMENT OMBUDSMAN HAVE NO RESPONSIBILITY FOR OR AUTHORITY ON HOW THE PARISH COUNCIL RUNS ITS AFFAIRS – UNDER THE 1972 LOCAL GOVERNMENT ACT, THE PARISH COUNCIL IS A COMPLETELY AUTONOMOUS LOCAL AUTHORITY AND, IF ANYTHING, IS RESPONSIBLE DIRECTLY TO THE SECRETARY OF STATE FOR LOCAL GOVERNMENT.

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 *any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Parish Council or its staff which affects an individual person or group of people.*

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.

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 Parish Clerk. Their main duties are:

- (i) The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.

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- (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 staff training issues.

5. Stages of The Procedure

5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

5.2 Everyday problems, queries and comments

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.

5.3 Informal Complaint

During the course of daily business, minor complaints may be made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. 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.

5.4 Formal Complaint (First Stage)

The complainant may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint, wishing to take the matter further. This will be recorded as a complaint and passed to the Parish Clerk to investigate. If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

Timescales

Acknowledgement - by return of post

Investigation completed - 14 days

or Progress Reports Issued – 14-day intervals

Investigating Officer: Parish Clerk

5.5 Review of Investigation and Complaint (Second Stage)

If the complainant is not satisfied with the Parish Clerk's response, they should be advised of their right to have the complaint referred to the Councillors' Panel which will review the complaint.

Timescales

Response by the Town Clerk - 14 days

Panel (if thought necessary) - Convened within 14 days

Review completed - 14 days thereafter

Investigating Officer: Town Clerk

5.6 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 (or the Deputy Chair if the complaint refers to the Chairman) and two other Councillors appointed by the Council who have not had previous involvement with the complaint or are referred to in the complaint. There will also be a note-taker, nominated by the Panel, who will also not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the Panel will be advised to the Council.

5.7 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 Parish Clerk 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.

5.8 Anonymous Complaints

Anonymous complaints should be referred to the Parish Clerk and may be acted on at his/her discretion, according to the type and seriousness of the allegation. However, under UK law, any allegations must be supported by evidence sufficiently substantial to hold up in a court of law, otherwise they run the risk of being defamatory. Without that evidence, allegations have little chance of being pursued.

6 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 Parish Clerk to make any final decision regarding a remedy). An explanation or an apology will always be needed.

7 Contact: The Parish Clerk

Address: The Parish Council Office, Victory Hall, Villa Road, Stanway, Essex CO3 0RH

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Email: clerk@stanwayplc.org.uk

Adopted by the Parish Council on...../...../.....