

# LITTLE BEALINGS PARISH COUNCIL

## COMPLAINTS POLICY AND PROCEDURE

### 1. POLICY

- 1.1. Little Bealings Parish Council (“the Council”) has adopted the following definition of a complaint:
- 1.2. ‘A complaint is an expression of dissatisfaction 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 acting on behalf of the Council.’
- 1.3. If a complaint is made against the Council which mentions member(s) of the council or staff, the complaint made will be treated as a complaint against the corporate body of the Council, not as a complaint against individual employees or member(s) of the council.
- 1.4. It is generally in the interests of a complainant and the Council to try resolve any concerns that arise informally through the normal channels of communication, rather than deferring to the council’s Complaints Procedure. However, if a formal complaint is received the Complaints Procedure will be followed.
- 1.5. The Council may deal with a complaint exclusively through written communications, but may offer the complainant an opportunity to make verbal representations if they wish.
- 1.6. The Council will properly investigate any complaints against the Council and will set aside a reasonable period of time to investigate a complaint and to gather evidence, as set out in the Procedure.
- 1.7. It is the Council’s intention that this Policy and Procedure are:
  - well publicised, easily accessible and easy to use
  - helpful and receptive
  - not adversarial
  - fair and objective
  - based on clear procedures and defined responsibilities
  - thorough, rigorous and consistent

- decisive and capable of putting things right where necessary
- sensitive to the special needs and circumstances of the complainant;
- adequately resourced
- fully supported by councillors and officers
- provides responses that are proportionate; one size does not fit all
- timely
- regularly analysed to spot any patterns of complaint and lessons for service improvement.

## **2. WHO IS THIS PROCEDURE FOR?**

- 2.1** This policy is for residents who live in or near the Council's area and are affected by the Council's decisions. It is available to individuals, organisations (e.g. a business or charity) or unincorporated bodies (e.g. a residents' association).
- 2.2** Anonymous complaints will not be considered.

## **3. WHEN IS THIS PROCEDURE NOT APPROPRIATE?**

- 3.1** Complaints which include reference to legal action, or any threat of legal action will not be dealt with by the Council, but will be referred to the Council's insurer.
- 3.2** In addition, other bodies have responsibility for certain types of complaint. Those responsible for dealing with the types of conduct are summarized:
- Alleged financial Irregularity - Local electors have a statutory right to object to a Council's audit of accounts (s. 16 Audit Commission Act 1998).
  - Alleged criminal activity - The police
  - Members' conduct alleged to breach the code of conduct adopted by the council. Refer to the district or the unitary council (which includes a London borough council) is responsible for handling complaints that relate to a member's failure to comply with the council's code of conduct.

## **4. DATA PROTECTION AND CONFIDENTIALITY**

- 4.1** A complaint against the Council is personal to a complainant and will be treated as confidential unless the complainant confirms that they waive their right to confidentiality.
- 4.2** A meeting of the Council considering a complaint or inviting a complainant to make representations will exclude the public. This does not preclude the Council from inviting

the complainant to speak at a meeting or requesting the attendance of Clerk (or other nominated officer) to represent the position of the Council.

## **5. COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL**

### **Making a complaint**

1. All formal complaints against the Council must be communicated in writing and sent either to the Clerk or the Chairman (or the Vice Chairman in the absence of the Chairman) of the Council.
2. The complainant must complete the Council's Complaint Form and include as a minimum:
  - a) Full detail of the complaint, including relevant events, dates, names of relevant members, officers, or contractors of the council etc.
  - b) The complainant's contact details: name, address, email address and telephone number(s) and the preferred address to which correspondence is to be sent
  - c) Whether the complainant wants the complaint to be treated confidentially. Even if they do not ask for confidentially, the council will comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

### **Receipt of a complaint**

3. Within two weeks of receipt of a complaint the Council will:
  - a) determine whether the complaint has been made before and dealt with, in which case the complainant will be advised that the complaint will not be re-considered
  - b) establish whether the complaint is a personal one or if there is a genuine basis for the complaint: that it is about a decision made using the council's powers
4. Within three weeks of receipt the Council will acknowledge receipt in writing and will include:
  - c) Either  
An explanation that the complaint will not be investigated as result of the Council's consideration of 3 above
  - d) Or  
a statement as to how the complaint will be dealt with
  - e) the timeframe for investigating the complaint

- f) whether there is an opportunity for the complainant to make verbal representations (and bring a friend when doing so) and when this will occur
- g) the timeframe for determining the complaint
- h) that there is no appeal process against the Council's determination of the complaint.

### **Investigating a complaint**

5. The Council will investigate the facts of the complaint and collate relevant evidence.
6. The Council will invite the complainant to make verbal representations by inviting the complainant to a meeting with the Clerk or other nominated officer and/or the Chairman and/or one other Councillor, or, as the case may be, to a meeting of the Council.
7. Before the meeting and within a period of two weeks from the date of notification of the meeting, the complainant shall provide in writing to the Clerk or nominated officer, or, as the case may be, the Chairman or another Councillor any new information or other evidence relevant to the complaint.
8. During the course of the investigation the Clerk or nominated officer, or, as the case may be, the Chairman or another Councillor shall provide the complainant with any new information or evidence relevant to the complaint.

### **Meeting with the Complainant**

9. In accordance with 6 above, if the complainant accepts the invitation to make verbal representations at a meeting, the Chairman of the meeting will explain how the meeting will proceed:
  - a) The complainant will be asked to outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or nominated officer or the Chairman, or by Councillors if this meeting is a meeting of the Council.
  - b) The Clerk or nominated officer or the Chairman will have an opportunity to explain the Council's position and questions may be asked by the complainant.

- c) The Clerk or other nominated officer, or the Chairman and the complainant will be offered the opportunity to summarise their respective positions.
  
- d) The complainant will be advised when a decision about the complaint is likely to be made and when and how it is likely to be communicated to them.

**After the complaint has been decided**

- 10. Within three weeks of concluding its investigation into a complaint, the Council will write to the complainant to confirm whether or not it has upheld the complaint.
  
- 11. The Council will give reasons for its decision together with details of any action to be taken by the Council if appropriate.