HENSTRIDGE PARISH COUNCIL

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HENSTRIDGE PARISH COUNCIL COMPLAINTS POLICY

1. Introduction

1.1 Henstridge Parish Council ('the 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 the Council, this policy document sets out how you may complain and how the Council will try and resolve your complaint.

1.2 Complaints received from members of the public about the administration or procedures of the Council are not subject to the jurisdiction of the Local Government Ombudsman. There are few remedies available, aside from the four-yearly election cycle where Councillors may not be re-elected if the public are unhappy with the representation that they have had. The Government has taken the view that town and parish councils are accountable to their electorate, principally, through the ballot box.

1.3 However, in the interests of transparency and accountability the Council has adopted a formal procedure for considering complaints.

1.4 It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement.

1.5 The Council's Complaints Policy applies to but may not deal with, the following three areas of complaint:

a. Complaints about a Council service or function.
b. Complaints about a member of staff.
c. Complaints about a Councillor.

1.6 The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. 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.

1.7 Additionally, every elector has the right to raise any matter affecting parish business at the Annual Parish Meeting. Members of the public are also able to come along and ask questions or raise issues during public question time at the start of every meeting of the Council and its constituent committee.

2. Definition of a complaint

A complaint is defined as 'any expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, Councillors or staff, which affects an individual or group of individuals'.

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3. What the Complaints Policy will deal with

The policy will deal with:

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

4. What the Complaints Policy will not deal with

The policy will not deal with:

- complaints for which there is a legal remedy or where legal proceedings already exists
- complaints about employment matters; these will be dealt with by the Council's internal grievance procedure
- complaints about an incident or matter which took place more than 12 months before a complaint is lodged

5. This Complaints Policy does not apply to:

- complaints by one employee against another employee, or between an employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- complaints against Councillors. Such complaints will be dealt with under the Code of Conduct for Members, adopted by the Council at any given time. If a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer at Somerset Council for investigation. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer at Somerset Council.

6. Equal Opportunities

6.1 The Council is committed to equal opportunities. Complaints/feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

6.2 Complaints by members of the public of discrimination and/or harassment by the Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

7. Stages of the Complaints Procedure

7.1 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.

8. Informal Complaints

8.1 During the course of daily business, minor complaints may be made to officers regarding the service the Council provides. The appropriate officer or Clerk will usually deal with these. It is not

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appropriate for every comment received to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating appropriate action or explaining a decision.

9. Formal Complaints

The procedure for handling formal complaints is set out below:

Stage 1

9.1 A complainant may notify a complaint orally to a councillor or the Parish Clerk (as the Proper Officer of the Council). This will be recorded as a complaint and passed to the appropriate person to investigate.

9.2 If the complainant remains dissatisfied with the response they will be asked to put their complaint in writing to the Parish Clerk. An acknowledgement will be sent within 2 working days

9.3 If a complainant indicates that he/she would prefer not to put the complaint to the Parish Clerk then he/she should be advised to put it to the Chair of the Council. An acknowledgement will be sent within 2 working days.

Stage 2

9.4 The Parish Clerk or the Chair of the Council, will endeavour to settle the complaint directly with the complainant within 14 working days of receipt of thereof, but shall not do so without first notifying any person who is the subject of the complaint, providing an opportunity to comment.

9.5 If the investigation of the complaint is likely to take more than 14 working days, the complainant will be notified together with a reason for the extended investigation period.

9.6 Where the Parish Clerk receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Chair of the Council.

Stage 3

9.7 The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved, the complainant has the right to request, within 7 days, that the matter be referred to:

a) the Committee responsible for the service or function for the next available meeting; or
b) the Staffing Committee, in the case of a member of staff, at the next available meeting.

9.8 A decision made by (a) or (b) above shall be considered final and the complaint considered closed.

9.9 If the complainant does not make such a request within 7 working days, the complaint is considered closed.

Stage 4

9.10 If the complainant responds and requests the matter to be referred to the relevant committee, as detailed above, the Parish Clerk shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is such that the Council or the Parish Clerk believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded.

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9.11 If the complaint is against any employee, even if the matter is being dealt with initially out of the act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

9.12 If the complaint is against any elected member, which cannot be resolved at a local level, this will be referred to the Monitoring Officer at Somerset Council.

Stage 5

9.13 The complainant will be notified, in writing, of the final decision within 14 working days of the meeting of the relevant committee.

10. Unreasonable and Vexatious Complaints

10.1 In the event of repeated vexatious or malicious complaints from a member of the public the Council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided, it will be evaluated in case the subject matter is sufficiently different from any previous vexatious or malicious complaint as to justify consideration as a new complaint.

11. Anonymous Complaints

11.1 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.