

Rowley Parish Council

HANDLING COMPLAINTS

Date/Minute No. document adopted	96/21.3 - 26 th July 2021
To be reviewed	2022-23, or on change of legislation.

Introduction

A complaint is defined as

‘an expression of dissatisfaction by one or more residents of the parish 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 acting on behalf of the council’.

It will not be appropriate to deal with all complaints from members of the public under a complaint’s procedure.

The issue should be referred to other bodies or using a different process in respect of the following types of complaint:

- Financial irregularity - It is a local elector’s statutory right to object to the Council’s audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission.
- Criminal activity - Refer to the Police
- Member conduct - A complaint relating to a member’s failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority.
- Employee conduct - Follow the disciplinary procedure

Policy Statement

Rowley 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 residents are dissatisfied with the standard of service received from the parish council, or are unhappy about an action or lack of action by the parish council this Complaints Procedure sets out how they complain to the council and how the parish will try to resolve your complaint in a way that is:

- helpful and receptive
- not adversarial; fair and objective
- based on clear procedures and defined responsibilities
- quick, thorough, rigorous and consistent
- capable of putting things right where necessary
- sensitive to the special needs and circumstances of the complainant

Procedure

Verbal Complaint

If a complaint about procedures or administration is notified verbally to a councillor or the clerk to the council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put their complaint in writing to the clerk and receive an assurance on receipt that the matter will be dealt with promptly.

If a complainant indicates that they would prefer not to put the complaint to the clerk then they should be advised to put it to the chairman of parish council.

Written Complaint Resolved by the Clerk or the Chair

On receipt of a written complaint, the clerk to the chair, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant within the existing policy of the council, but shall not do so in respect of a complaint about the behaviour of the clerk or a councillor without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the clerk or chairman receives a written complaint about his own actions, they shall immediately refer the complaint to the council.

The clerk to the council or the chair shall report to the next meeting of the parish council any written complaint disposed of by direct action with the complainant.

Written Complaints referred to the Parish Council Meeting

The clerk or the chair will bring any written complaint that cannot be settled to the next meeting of the council, and the clerk will notify the complainant of the date on which the complaint will be considered.

The council will consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is a complaint of the clerk such that the council or the clerk believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to 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.

Response to the Complainant

As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

Serial Facetious, Vexatious or Malicious Complaints

Not all complaints are justified or well-founded. Where the council find themselves being called upon to respond repeatedly to an individual or group of individuals where they have already investigated the matter (or something very similar) and have concluded that the complaint is without substance, or where they find the complaint is vexatious or malicious the council should consider taking legal advice before writing any letters to the complainant.

Review Date

This policy and procedure will be reviewed at least every two years from the date of approval.