



## Complaints Policy and Procedure

### Introduction

Austrey Parish Council is committed to providing the best quality of service to all residents and beneficiaries within the Parish, but appreciates that there may be times when things go wrong.

The purpose of our complaints policy is to put things right where such situations occur and to prevent further incidents from happening.

### Scope

#### **Definition of a complaint**

For the purpose of this policy, the following definition of a complaint will be used:

*An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action, or about the standard of 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.*

#### **What is covered by the policy**

The table below details the possible types of complaint, how they are governed, and who should be contacted. If in doubt, the complainant should contact the Parish Clerk and, where the complaint is not covered by the policy, be directed to the correct authority.

TYPE OF COMPLAINT	HOW IT'S GOVERNED	WHO TO CONTACT
Criminal activity	Statute and case law	Police
Financial irregularity	Statute - e.g. Local Audit and Accountability Act 2014	Clerk for details of auditor
A councillor	Code of Conduct	Monitoring Officer at NWBC
A council decision or policy	The complaints procedure	Parish Clerk
Level or quality of services or facilities	The complaints procedure	Parish Clerk
Council contractor	The complaints procedure	Parish Clerk
A member of staff	The complaints procedure, disciplinary and grievance procedures.	Parish Clerk or the Chair if the complaint is about the clerk.

Where the complaint is regarding the conduct of a member of staff, the complainant shall be responded to in accordance with this policy, and the staff member’s conduct shall be addressed in accordance with the Council’s disciplinary and grievance procedure.

### **Who is covered by the policy**

This policy only covers complaints made by members of the public. Internal complaints will be addressed as follows:

COMPLAINANT	SUBJECT	HOW IT’S GOVERNED
Staff Member	Other staff member or council decision or policy	Disciplinary and grievance procedure
	Councillor	Code of Conduct
Councillor	Staff Member	Disciplinary and grievance procedure
	Another councillor	Code of Conduct
	Council decision or policy	Motion for debate at relevant council meeting

### Policy Statement

- The Council will take all complaints seriously
- All parties will be treated fairly
- The Council will follow its complaints procedure in all instances where a formal complaint has been lodged using its complaints form
- The complaints procedure will be reasonable and accessible
- The complaints procedure will be transparent, and in accordance with the Freedom of Information Act 2000, and any other relevant legislation.
- The Council shall have regard for its obligations under the Data Protection Act 2018 and any other relevant data protection legislation to the personal information of complainants and subjects of complaints
- The Council will give due consideration to its various obligations as a local authority.
- The Council will, at its discretion, dismiss any complaints it deems to be vexatious or unreasonable
- The Council will not consider any anonymous complaints, but will ensure the confidentiality of the complainant where it deems it both reasonable, and where it has been asked to do so
- This policy will be reviewed annually.

## **Complaints Procedure**

### **1 Making a complaint**

- 1.1 Formal complaints will only be considered once submitted by a member of the public in writing to the Parish Clerk (by post or email) using the approved complaint form. Where the complaint is concerning the Parish Clerk, the complaint form may be submitted directly to the Chair of the Parish Council.
- 1.2 This procedure will at no time prevent the complainant from exercising their right to contact Parish Council members directly.

### **2 Responding to the complaint**

- 2.1 The Parish Clerk (or subject to 1.1 above, the Chair of the Council) will provide a written acknowledgement of the complaint within ten clear working days, advising of the date on which the complaint will be considered.
- 2.2 The complainant will also be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way. The complainant will be invited to attend the meeting and will be informed that they may bring a representative with them. Complainants are advised that rude, abusive or aggressive behaviour will not be tolerated at any meetings when a complaint is being considered.
- 2.3 The complainant will be notified that they must provide the Council with copies of any documentation or evidence relied on, seven clear working days prior to the relevant meeting.
- 2.4 The Council will provide the complainant with copies of any documentation upon which it wishes to rely at the meeting and shall do so at least three clear working days prior to the meeting.

### **3 Considering the complaint**

- 3.1 The meeting shall consider whether the circumstances of the complaint warrant the exclusion of the public and the press, in accordance with s1(2) Public Bodies (Admission to Meetings) Act 1960, and any data protection obligations it may have towards the complainant or subject.
- 3.2 The Chair will introduce everyone and explain the procedure.
- 3.3 The complainant, or their representative, will outline the grounds for complaint and then questions may be asked by members and the Clerk or other nominated officer.
- 3.4 The Clerk or other nominated officer may then explain the Council's position and questions may be asked by the complainant and then by members of the Council
- 3.5 Where the press and public have been excluded from the meeting, the complainant will be asked to leave the room while members decide whether there are grounds to uphold the complaint, and what, if any, action should be taken.
- 3.6 A decision shall be made in accordance with the rules on voting, as specified in the Council's Standing Orders.

- 3.7 Where 3.5 applies, the complainant will be invited back into the room to be informed of the decision. The decision will be confirmed in writing within ten working days of the meeting, together with details of any action to be taken.

## **4. Appeals**

- 4.1 Where the complaint has been considered by the Council, and the complainant is dissatisfied with the decision, they may elect to appeal to the Full Council, where the above procedure will be followed.
- 4.2 Following determination by the Full Council, the complainant has no right to further appeal, and it remains the position that the Local Government Ombudsman has no jurisdiction over the Parish Council.

## **5. Recording of complaints**

- 5.1 A record of all formal complaints received shall be kept by the Parish Clerk and retained in accordance with the Council's data retention policy.

## **6. Unreasonable and Vexatious Complaints**

- 6.1 Where the Clerk (or subject to 1.1 above, the Chair of the Council) receives a formal complaint which they believe meets one of the following criteria, the Clerk (or Chair) shall decide that no further action will be taken.

- the complaint has no reasonable basis
- the Council has already taken reasonable action in response
- some other procedure should or has been taken
- the complaint or outcomes have been repeatedly or obsessively pursued

Any such complaints and decisions shall be reported to the Council at their next meeting. They may, at their discretion, overrule the officer decision.

- 6.2 The Clerk will inform the complainant to this effect, making it clear that only new and substantive issues will merit a response.

## **7. Anonymous complaints**

- 7.1 The Council will not consider any anonymous complaints other than in serious and exceptional circumstances, any acceptance being at the discretion of the Clerk or Full Council.

## **8. Complaint form**

The complaint form is available below or from the Parish Clerk. Upon completion, it can be emailed to [parishclerk@austrey.co.uk](mailto:parishclerk@austrey.co.uk) or posted to 12 Hollybank Estate, Austrey, Warwickshire CV9 3ET

Contact details for all parish councillors can be found at [www.austrey.co.uk/parish-council](http://www.austrey.co.uk/parish-council)



## AUSTREY PARISH COUNCIL COMPLAINT FORM

Name:	(anonymous complaints will be dismissed)
Address:	(for the complaint to be considered, at least one method of contact must be provided).
Telephone number:	
email address:	
Details of your complaint: (continue on a separate sheet if necessary)	Please be as factual, concise, and as objective as possible. Including unnecessary information may be detrimental to your complaint.
What action would you like the council to take to put things right?	