



# Blockley Parish Council Complaints Policy 2022 Minute ref: 04.2022/10.8

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## **THE IMPORTANCE OF COMPLAINTS**

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.

The Parish Council seeks to deal with complaints in a positive manner to inform future business of the Council.

## **DEFINITION OF A COMPLAINT**

A complaint is *'any 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 lack of service provided by the council itself or a person or body acting on behalf of the council.'*

### **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 provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- unprofessional practice or conduct

### **What the complaints procedure will not deal with:-**

- complaints where legal proceedings already exist.
- internal complaints about employment matters - the Parish Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- formal complaints about Councillors (these should be forwarded to the Principal Authority's Monitoring Officer)
- complaints relating to the services of another Council (these complaints will be referred on to the relevant body)

## **EQUAL OPPORTUNITIES**

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

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.

## **COMPLAINTS OFFICER**

The Complaints Officer for the Parish Council is the Parish Clerk. The Clerk's main duties are:

- the day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- to oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- to maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- to identify improvement points arising from any complaints.
- to identify staff training issues.

Where a complaint relates to the Parish Clerk, the complaint will be dealt with by the Parish Council Personnel Committee in line with the stages of procedure as detailed below.

## **STAGES OF THE PROCEDURE**

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.

### **1. 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 Parishioner'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.

### **2. Informal Complaint**

During the course of daily business, minor complaints may be made to officers or Councillors 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, explaining a decision or facilitating mediation.

### **3. Formal complaints – Please see below for Personnel based or non-personnel based formal complaints processes.**

#### **3.1 Formal Non-Personnel based complaints**

##### **a. Stage one**

A Parishioner may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This complaint should be made in writing and will be recorded as a complaint and passed to the Parish Clerk to investigate. The complainant will be notified of the outcome of their complaint in writing within 20 working days of the formal complaint being made. Where this time scale cannot be met, the complainant will be informed.

If the complainant remains unsatisfied with the response following an investigation, they should be informed of their right to take the matter further.

**b. Review of Investigation and Complaint (Stage two)**

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 Personnel Committee who will review the complaint at their next scheduled meeting. If no meeting is scheduled within 20 working days of the request being made, then a special meeting will be called at the earliest convenience.

If the complainant remains unsatisfied with the response following an investigation, they should be informed of their right to take the matter further.

**c. Appeal (Stage three)**

If the complainant is not satisfied with the Personnel Committee's response, they should submit their appeal in writing to the Parish Clerk or Council Chairman of the Parish council for full Council resolution at the next meeting. If no meeting is scheduled within 20 working days of the request being made, then a special meeting will be called at the earliest convenience.

Full council's resolution will be considered final and the matter closed.

**3.2 Formal Personnel based complaints**

**a. Formal, Personnel based Complaints (stage one) ref. Council Grievance Policy**

A Parishioner may wish to make a formal complaint directly about a member of staff or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This complaint should be made in writing and addressed to the Chair of the Personnel Committee to investigate. The complainant will be notified of the outcome of their complaint in writing within 20 working days of the formal complaint being made. Where this time scale cannot be met, the complainant will be informed.

Complaints about councillors can only be dealt with using the informal stage of the Council's grievance policy, formal Councillor complaints may be sent to the Principal Authority's Monitoring Officer.

If the complainant remains unsatisfied with the response following an investigation, they should be informed of their right to take the matter further.

**b. Appeal - Formal, Personnel based Complaints (stage two)**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to full Council, this should be submitted in writing to the Parish Clerk or Council Chairman.

The complainant will have the right to attend the meeting and make representation for a time that is at the discretion of the Chairman, usually 5 minutes. However, the complainant will be asked to leave during deliberation. The complainant will be called back in to be notified of the outcome.

Full council's resolution will be considered final and the matter closed.

### **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 and Personnel Committee Chair or Council Chair/Vice-Chair as appropriate 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.

### **RESOLUTION AND REMEDIES**

The aim in dealing with all complaints is to improve the function of the Parish Council and provide a remedy or reasonable explanation or if appropriate, an apology.

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