



Complaints policy and procedure

July 2018

VERSION CONTROL:

Version ID	Description of Change	Version Sponsor	Policy Owner	Version creation date	Version Approval Date	Next Review Date
0.1	Policy creation	Parish Clerk	Parish Clerk	16/07/2018	TBA	TBA
0.2	Minor amendments	Cllr Adam Prince	Parish Clerk	16/07/2018	TBA	TBA
0.3	Response to amendments	Parish Clerk	Parish Clerk	18/07/2018	TBA	TBA
1.0	Numbering amendment	Cllr Adam Prince	Full Council	30/07/2018	30/07/2018	May 2019

1. INTRODUCTION

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

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

2. SCOPE

2.1 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.

2.2 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
Council decision or policy	Complaints procedure	Parish Clerk
Level or quality of services or facilities	Complaints procedure	Parish Clerk
Council contractor	Complaints procedure	Parish Clerk
A member of staff	Complaints procedure and staff handbook disciplinary and grievance procedure	Clerk (or, if concerning the Clerk, the Chair of council)

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, which can be found in the Council's staff handbook.

2.3 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	Staff Handbook disciplinary and grievance procedure
	Councillor	Code of Conduct
Councillor	Staff member	Staff Handbook disciplinary and grievance procedure
	Other councillor	Code of Conduct
	Council decision of policy	Motion for debate at relevant Council meeting

3. Policy statement

- The Council will take all complaints seriously
- All parties will be treated fairly at all times
- The Council shall 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 both complainants and subjects of complaints
- The Council shall give due consideration to its various obligations as a local authority, public body, employer, service provider, and landowner, and where there is any conflict its obligations, seek appropriate legal advice
- The Council shall, at its discretion, dismiss any complaints it deems to be vexatious or unreasonable
- The Council shall not consider any anonymous complaints, but shall ensure the confidentiality of the complainant where it deems it both reasonable, and where it has been asked to do so
- This policy shall be reviewed annually by the Full Council

COMPLAINTS PROCEDURE

1. Making a complaint

- 1.1 A member of the public may make an informal complaint either verbally or in writing, either directly to a member of staff, or by other means, such as social media. Where the Council has been made aware of a complaint, a suitable member of staff or councillor will address the complaint. Where the complaint is unsuitable for this procedure (in accordance with 2.2 of the complaints policy) the complainant will be advised of the appropriate form of recourse.
- 1.2 Where the complainant is unhappy with the response received, they will be given the option to have the matter escalated to the Parish Clerk.
- 1.3 If following this the complainant is still unsatisfied, they will be advised to submit a formal complaint, and be directed to Council's complaints policy and procedure, and complaint form.
- 1.4 Formal complaints will only be considered once submitted 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. As technology changes, other methods of submitting a formal complaint may be considered in reviews of this policy.
- 1.5 This procedure will at no time prevent the complainant from exercising their right to contact Parish Council members directly – either in person or during a Council or committee meeting.

2. Responding to the complaint

- 2.1 Following receipt of a formal complaint, the Parish Clerk (or subject to 1.4 above, the Chair of the Council) will refer the written complaint to the Council's Policy & Resources Committee at their next meeting.
- 2.2 If the complaint is considered a matter of urgency, it may be referred directly to the Council, or an extraordinary meeting of the Policy & Resources Committee will be convened, whichever is deemed by the Parish Clerk (or subject to 1.4 above, the Chair of the Council) to be most expedient.
- 2.3 The Parish Clerk (or subject to 1.4 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.
- 2.4 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.
- 2.5 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.

2.6 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 (i) by the complainant and then (ii) by members.

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 or not there are grounds to uphold the complaint, and what, if any, action should be taken.

3.6 A decision shall be decided 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 meeting's 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 Policy & Resources Committee, 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

4.1 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 1.4 above, the Chair of the Council) receives a formal complaint which they believe meets one of the following criteria, the Clerk (or subject to 1.4 above, the Chair of the Council) shall decide that no further action will be taken. Any such complaints and decisions shall be reported to the Policy & Resources Committee at their next meeting, who may, at their discretion, overrule the officer decision:
- (a) the complaint has no reasonable basis
 - (b) the Council has already taken reasonable action in response
 - (c) some other procedure should or has been taken
 - (d) the complaint or outcomes have been repeatedly or obsessively pursued
- 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, Full Council, or Policy & Resources Committee.

8. Procedure review

- 8.1 This policy will be reviewed on an annual basis by the Full Council.

9. Contact details

Parish Clerk
Burnham Parish Council
Burnham Park Hall
Windsor Lane
Burnham
SL1 7HR

Tel: 01628 661381

Email: clerk@burnhamparish.gov.uk

Contact details for members of the Council, including the Chair, can be found at our website: www.burnhamparish.gov.uk.

10. Complaint form

The complaint form is available on the following page, and is available in editable format on request to the Parish Clerk.



Burnham Parish Council
Complaint Form

Name:	Anonymous complaints will be dismissed
Address:	At least one method of contact must be provided
Telephone:	
Email:	

Name of person / department in the Council with whom you've been dealing (if relevant)
Details of your complaint (continue on separate sheet if necessary)
Please be as factual, concise, and 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?

Burnham Parish Council will hold your personal information for the sole purpose of dealing with your complaint. Information will be held in line with our privacy policy and data retention policy, available on our website: www.burnhamparish.gov.uk