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**Complaints policy**

**and procedure**

**Version control:**

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| **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 |
| 1.1 | Minor amendments | Parish Clerk | Policy & Resources | 15/05/2023 | 19/06/2023 | June 2025 |
| 1.2 | Minor amendments following review | Parish Clerk | Full Council via Policy & Resources | 21/05/2025 | N/A | N/A |
| 1.21 | Updated draft | Parish Clerk | Full Council via Policy & Resources | 14/07/2025 | 21/07/2025 | July 2027 |

**1. INTRODUCTION**

Burnham Parish Council is committed to providing the best quality of service to its residents and beneficiaries, but appreciates that there may be times when things go wrong; and/or there are different perspectives on what the most appropriate course of action may have been.

The purpose of our complaints policy is to acknowledge when different perspectives exist, to put things right where mistakes are made. and to prevent further such 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.

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| --- | --- | --- |
| **Type of complaint** | **How it’s governed** | **Who to contact** |
| Complaint about criminal activity | Statute and case law | Police |
| Complaint about financial irregularity | Statute – e.g. Local Audit and Accountability Act 2014 | Clerk for details of auditor |
| Complaint against a councillor | Code of conduct | Monitoring Officer |
| Complaint against Council decision or policy | **Complaints procedure** | Parish Clerk |
| Complaint about the level or quality of services or facilities | **Complaints procedure** | Parish Clerk |
| Complaint against council contractor | **Complaints procedure** | Parish Clerk |
| Complaint against 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
* It is the general policy of the Council not to consider or respond to anonymous complaints, unless the nature of the complaint is such as to raise an issue of such magnitude that it cannot be legally or reasonably ignored. The Council shall ensure the confidentiality of the complainant where it deems it both reasonable, and where it has been asked to do so

**COMPLAINTS PROCEDURE**

1. **Making an informal or formal complaint**
   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.
   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, or if the complaint relates to Burnham Park Hall and has not yet been raised with the Hall Manager the Hall Manager.
   3. At this stage the Clerk and/or Hall Manager if appropriate may agree appropriate action with the complainant, including a review of procedures, making the subject of the complaint aware of the concern and having an informal conversation, a refund etc.
   4. 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.
   5. 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.
   6. 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**
   1. Following receipt of a formal complaint, the Parish Clerk (or subject to 1.5 above, the Chair of the Council) will refer the written complaint to the Council’s Policy & Resources Committee at their next meeting.
   2. If the complaint is considered a matter of urgency, it may be referred directly to the Council, or to an ordinary or extraordinary meeting of the Policy & Resources Committee, whichever is deemed by the Parish Clerk (or subject to 1.5 above, the Chair of the Council) to be most expedient.
   3. The Parish Clerk (or subject to 1.5 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.
   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.
   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.
   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**
   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.
   2. The Chair will introduce everyone and explain the procedure.
   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.
   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.
   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.
   6. A decision shall be decided in accordance with the rules on voting, as specified in the Council’s Standing Orders.
   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.

1. **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.

1. **Unreasonable and Vexatious Complaints**

6.1 Where the Clerk (or subject to 1.5 above, the Chair of the Council) receives a formal complaint which they believe meets one of the following criteria, the Clerk (or subject to 1.5 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.

1. **Anonymous complaints**

7.1 As noted in section 3 above, it is the general policy of the Council not to consider or respond to anonymous complaints, unless the nature of the complaint is such as to raise an issue of such magnitude that it cannot be legally or reasonably ignored. This shall be determined by the Clerk (or subject to 1.5 above, the Chair of the Council)

1. **Procedure review**

8.1 This policy will be reviewed on bi-annual basis by the Policy & Resources Committee.

1. **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](http://www.burnhamparish.gov.uk).

1. **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: | In general, anonymous complaints will not be considered |
| 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