

# Chelmondiston Parish Council

*www.chelmondiston.suffolk.gov.uk*

## **A Complaints Procedure**

*Adopted by the Parish Council on 1<sup>st</sup> September 2009*

Chelmondiston Parish Council believes a complaints procedure demonstrates to its residents that the Parish Council:

- wishes to provide a good service;
- values feedback;
- undertakes its business in an open and honest manner;
- wishes to deal with complaints fairly.

The Parish Council believes that complaints and suggestions provide a valuable opportunity for improving its services and performance.

### **What is a complaint?**

For the purposes of this procedure, a complaint is defined as:

*An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Parish Council or its staff affecting an individual resident or group of residents.*

This definition covers most complaints - such as:

- dissatisfaction with the administration of policy and decisions;
- delays in responding to service requests;
- failure to achieve standards of service;
- failure to fulfil statutory responsibilities;
- employees' behaviour or attitude.

### **Complaints under the *Freedom of Information* legislation:**

If a complainant believes that the Parish Council has not released information in a manner in which he/she believes it should have done, they will be referred to the *Information Commissioners Office* (ICO).

If the Parish Council decides that a request for information is vexatious, repeated or obsessive they can make the decision not to enter into any further correspondence with that person and a notice to that effect will be issued. (*See Item 14 - Section 1(1) and (2) of the Freedom of Information Act*).

The applicant has a right to **appeal** to the Parish Council. The Council will look at the request again and based on the evidence either uphold the exemption or provide the requested information.

If the Council decides to uphold their decision then the applicant can appeal to the ICO.

The ICO may then uphold the Council's decision on the exemption or ask the Council to comply with the request.

### **What about complaints concerning the behaviour of a particular Councillor or Councillors?**

Councillors are required to observe the Parish Council's adopted 'Code of Conduct'; this can be found on our website or a copy can be obtained from the Clerk. If you think a Councillor has broken any of the rules in the Code of Conduct, you should refer your complaint to the *Standards Committee/Monitoring Officer* at Babergh District Council who will advise you further.

*Address: Corks Lane, Hadleigh, Ipswich, Suffolk IP7 6SJ. Tel: 01473 826 622*

A *Standards Committee* is a group of people appointed by an authority to help maintain and promote high ethical standards. Standards Committees are made up of councillors, or members of the authority, and independent people (who are not councillors or employees of the council or

authority). As you live in an area that has town and parish councils, members of those councils will also be part of the standards committee of the district authority.

### **How we deal with Complaints.**

The following procedure will be adopted for dealing with complaints about the Parish Council's **administration** or its **procedures**. Complaints may be submitted in writing or verbally. Complaints about a policy decision made by the Parish Council will be referred back to the Parish Council, or relevant Committee, as appropriate, for consideration.

#### ***Stage 1***

In many cases, it will be possible for an issue to be dealt with straight away and the source of the complaint resolved immediately. The Clerk will report these complaints to the Parish Council at their next meeting. The Clerk will not reveal details of the complainant at this time unless authorized to do so. If the complainant is still not satisfied, then we would suggest the complainant move to the next stage.

#### ***Stage 2***

Complaints should be put in writing, especially in the case of more complex issues, to the Clerk so that a thorough investigation can be undertaken by the Councillors.

- Investigations will be dealt with as quickly as possible and under normal circumstances the complainant will get a written receipt of the complaint within **7** working days.
- The Clerk will advise the complainant when the matter will be considered at a meeting, either by the Parish Council or by a panel of **5** Councillors. This will normally be within **15** working days after written receipt of the complaint.
- The complainant will be invited to attend the relevant meeting and bring with them a friend or a representative.
- **7** clear working days prior to the meeting, the complainant shall provide the Parish Council with copies of any document or other evidence, which he or she wishes to refer to at the meeting. The Parish Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

If the complaint involves the Parish Clerk personally, the complainant should address the complaint directly to the Chairperson. The Chairperson's address can be found on the Notice Boards and on our website. The Clerk will be formally advised of the matter and given an opportunity to comment.

#### ***The Meeting***

The meeting will include the Chairperson of the Council, **5** Councillors, the Clerk, the complainant and one friend or representative of the complainant

In order to preserve any confidentiality issues, the Parish Council will normally deal with the complaint in private session and the claimant's details will not therefore be released publicly. Any decision on a complaint will be announced at the next public Parish Council meeting.

*The meeting will proceed as follows:*

- Chairperson will introduce everyone.
- Chairperson will explain the procedure.
- Complainant (or representative) will outline the grounds for complaint.
- Members will ask any question of the complainant.
- If relevant, the Clerk or other proper officer will explain the Parish Council's position.
- Members will ask any question of the Clerk or other proper officer.
- Clerk or other proper officer and complainant will be offered the opportunity of last word (in this order).

- Clerk or other proper officer and complainant will be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).
- Clerk or other proper officer and the complainant will return to hear the decision, or will be advised when a decision will be made.
- The Parish Council may defer dealing with any complaint if it is of the opinion that further evidence or advice is necessary. This advice will be considered and the complaint dealt with at the next meeting

### *After the Meeting*

A decision will be confirmed in writing within **7** working days together with details of any action to be taken.

If following the investigation into the complaint the Parish Council is found to be at fault, every effort will be made to resolve the complaint to the satisfaction of the complainant.

*Chelmondiston Parish Council* maintains a register of complaints, showing dates, details of the complaints and the action taken to resolve the issue.

Information regarding disclosure of identities is covered under the *Data Protection Act*. This prohibits the Parish Council from indentifying the individuals involved unless the Parish Council has their express permission to do so.

Adopted: *1<sup>st</sup> September 2009*    Chairperson: *David Cordle*    Parish Clerk: *Fran Sewell*

Revised: 07/04/2015

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