

EMBLETON PARISH COUNCIL COMPLAINTS PROCEDURE

This Procedure for Handling Complaints was formally adopted by Embleton Parish Council (EPC) on 23rd January 2023. The aim of this procedure is to ensure that a reasonable, accessible, and transparent process of dealing with complaints is adopted.

Policy Statement

EPC is committed to providing services of the highest quality. A complaint is defined as an expression of dissatisfaction about EPC, related to (but is not limited to) its , services, policies, procedures, practices, staff, assets, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected. EPC is committed to ensuring that complaints received are handled in a manner which is fair and reasonable, courteous and respects the privacy of the person making the complaint. Further, EPC is committed to ensuring that reasons are provided for decisions made in relation to any complaint received. The Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

Scope

This Procedure applies to complaints about EPC, and any sub committees or working groups of the EPC. This includes, for example, complaints about:

- decisions made by Councillors of EPC
- policies, procedures, and practices of EPC, or subcommittee or working group.
- *Injuries sustained in or on property or equipment owned by EPC

EPC may not accept or action complaints relating to matters which have been previously dealt with or finalised, or are outside its jurisdiction

In the event of a seemingly serial facetious, vexatious, or malicious complaint, the Council may consider taking legal advice.

Complainants

Complainants can be members of the public, councillors, or employees of the Council.

Confidentiality

Initially the identity of a complainant will only be made known to those who need to consider a complaint. Care will be taken to maintain confidentiality where circumstances demand. e.g., where matters concern financial or sensitive information or where third parties are concerned.

Complaints outside this Code

The complaints below are excluded from this code.

Financial Irregularity - Complaints to Council's auditor whose name and address can be obtained from the Clerk

Criminal activity – Complaints to the Police

Councillor's conduct – Complaints to the Standards Committee of NCC

Employee conduct – Complaints regarding the Clerk or Responsible Financial officer to be dealt with by internal disciplinary procedure

Complaints Committee

A Complaints Committee, consisting of three Councillors, will be established. The Chairman of the Complaints Committee will be the Chairman of the Council. The Clerk will attend meetings to record proceedings. Records of the proceedings, and findings to be kept by the council in electronic format for 10 years. This period to be measured from the Complaints Committee meeting.

All complaints will be deemed to be Informal Complaints unless a written complaint states that it is a Formal Complaint.

INFORMAL COMPLAINTS PROCEDURE

- An informal complaint may be given orally or in writing to the Clerk. The Clerk will ensure that a written record is taken of the complaint and from whom, so that a complete record of open / undecided complaints can be kept?
- If a complaint is given to a Councillor, it is their duty to notify the Clerk or Chairman of the Council.
- The Parish Clerk(Clerk) or Chairman of the Council (Chairman) will speak directly to the complainant and will attempt to settle the complaint and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously, and acted upon accordingly.
- If the complaint cannot be resolved, the Clerk will be informed, and he/she/they will instigate the **Formal Complaints Procedure**.

FORMAL COMPLAINTS PROCEDURE

- All formal complaints will be heard in public unless the Complaints Committee expressly resolves to exclude the press and public, using Standing Order number 3.4, due to the confidential nature of the complaint.
- To resolve the formal complaint, the Complaints Committee will hold a formal hearing to review the complaint and make a recommendation on behalf of the Council.
- The complainant will be invited to attend the formal hearing either in person or by Zoom or similar if she/he/they so wishes.

Before the Meeting

A Formal Complaint must be lodged in writing and sent to the Clerk. The letter must state that a Formal Complaint is being lodged and should provide the following information:

- Name, address, and telephone number of the complainant.

- Details of the complaint about the Council.
- How the issue has affected the complainant.
- Copies of any relevant documents or other evidence to which the complainant may wish to refer at the meeting.
- Details of third parties and their involvement.
- What action the complainant believes will resolve the complaint.
- If the complainant does not wish to put the complaint to the Clerk, he/she/they should be advised to address the complaint to the Chairman of the Council.
- The Clerk will acknowledge the complaint and inform the complainant that a mutually convenient date for a Complaints Hearing will be scheduled **within 28 days**.
- The Clerk will issue an agenda for the Complaints Formal Hearing **not less than 3 days** before the formal hearing of the Complaints Committee.
- The Clerk will invite the complainant to bring with him/her/they, or have in attendance in the case of Zoom or similar, one such representative who may speak on their behalf. If the complainant chooses to bring legal representation to the meeting they must inform the Council at least 10 working days before the meeting. The Council reserves the right to then add its own legal representation to their team.
- **Any documentation not already supplied must be sent to the Clerk seven clear days before the meeting.**
- If either party provides details, documentation or evidence less than seven days before the meeting, the Chairman of the Complaints Committee will decide whether to admit it.

At the Meeting

The Complaints Committee will decide whether the circumstances of the meeting warrant the exclusion of the public and the press. The Chairman of the Complaints Committee will introduce everyone and explain the procedure.

The complainant and their representative (if any) will detail the complaint to the Complaints Committee. Members of the Complaints Committee, if they wish, will ask questions of the complainant relating to the complaint.

The Clerk or a Councillor will present the Council's position relating to the complaint (if necessary). Members of the Complaints Committee, if they wish, will ask questions of the Clerk/Councillor.

The Clerk/Councillors and the Complainant will be offered the opportunity to make any final comments (in that order).

The Complaints Committee will then consider the complaint in private for a maximum of 30 minutes.

The Complaints Committee can re-open the meeting if clarification of points is needed from either party, but **both parties** must be invited back to the meeting.

The Chairman may adjourn the meeting if wished in order that specialist advice may be sought.

The Chairman will ask all parties to re-join the meeting to inform them of the Complaints Committee's recommendation to the full Council.

If a recommendation cannot be reached at the meeting, the Chairman will advise when the recommendation will be made and communicated to the complainant.

If a complainant is not satisfied with the outcome of the investigation by EPC, they can seek an external review of their complaint, requesting this of the Chair of EPC or the Parish Clerk, who will make arrangements for this to take place, by a suitable external party.

After the Meeting

Any recommendation on a complaint will be submitted for ratification to the next meeting of the full Council .

Within seven days of the Council accepting the recommendation of the Complaints Committee, the Clerk will put the decision in writing to the complainant.

If a complaint cannot be settled by Council agreement the complainant should, whenever possible, be provided with information as to how they may continue their complaint.

Monitoring and review Analysis and evaluation of complaints

The Clerk will provide a biannual complaints report to EPC. This report will highlight the performance of the complaint management procedures over the previous six months and will include (but is not limited to):

- number and nature of complaints received during the reporting period
- number of complaints resolved during the reporting period
- time taken to investigate complaints
- issues arising from complaints
- action to address systemic issues (if any)

Date of next Procedure review

This should be reviewed within the first two meetings of a new Parish Council being established, and would also be reviewed after 2 years. For each 4-year Parish Council the procedure would be reviewed twice. If the Parish Council decides a more frequent review should take place, then a Special review would need to be established and voted on.

As this is a new procedure, a review would take place two years from the date of the establishment of this procedure.

