

CLAYTON-LE-WOODS PARISH COUNCIL COMPLAINTS PROCEDURE

Complaints Procedure

Introduction:

Clayton-le-Woods Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to investigate all complaints promptly in an impartial manner and to find a solution, which is satisfactory to both the complainant and the Council.

Parish Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. The Council will therefore do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council.

Clayton-le-Woods Parish Councils complaints procedure does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour of an individual Councillor you must contact:

The Monitoring Officer Chorley Council Chris Moister chris.moister@chorley.gov.uk
or tel. 01257 515151

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor and will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillors failure to follow the Code of Conduct.

The Code of Conduct can be viewed on the Parish Council's website and on the Standards for England website, www.standardsforengland.gov.uk

Definition of a Complaint:

A complaint is 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 a service provided by the Council itself or a person or body acting on behalf of the Council.

Exclusions:

The following are excluded from this procedure:

- Complaints relating to financial irregularity, which will be handled by the Council's auditor or the Audit Commission.
- Complaints relating to criminal activity, which will be referred to the police
- Complaints relating to a Councillors conduct, which will be referred to Chorley Council Monitoring Officer as stated above
- Complaints relating to the conduct of staff members, which will be handled in accordance with the Parish Council's Disciplinary Policy.

This procedure relates to complaints about the Councils administration or its procedures. If a complaint is received about a policy decision made by the council, the complaint will be referred back to the council or relevant committee as appropriate, for consideration.

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The Complaint Procedure

The Council receives queries, problems and comments as part of its day to day running and it is not appropriate for every comment to be treated as a formal complaint. Every effort will be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint. The complaints procedure will not apply to complaints made anonymously.

Informal Complaints:

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk for example) he or she should be advised to write to the Chairman of the Council.

If a complaint is made to a Councillor it is their duty to notify the Clerk and/or the Chairman of the Council. The Clerk or Chairman of the Council will speak directly to the complainant and will attempt to resolve 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 Clerk or the Chairman cannot satisfy a complaint in an informal way, then the Formal Complaints Procedure will be instigated.

Formal Complaints:

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk they should be advised to address it to the Chairman of the Council.

The letter should contain the following information

- Name, address and telephone number of the complainant
- Details of the complaint about the Council's procedures or administration
- How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes will resolve the complaint

The Clerk will acknowledge receipt of the complaint within three working days and will advise the complainant when the matter will be considered by the Council.

The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

Any documents not already supplied must be sent to the Clerk seven clear days before the meeting. The Council shall provide the complainant with copies of any documentation upon which they wish to refer to at the meeting within the same timescale.

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At the Parish Council Meeting:

The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

Any decision on a complaint shall be announced at the Council meeting in public.

The Chairman should introduce everyone and explain the procedure.

Three councillors will be nominated to **not take part** in the proceedings to enable them to be available to handle any appeal, if required.

The complainant (or their representative) should outline the grounds for complaint and afterwards questions may be asked by the Clerk and Members.

The Clerk or a nominated Councillor will present the Council's position relating to the complaint (if necessary) and afterwards questions may be asked by other Members.

The Clerk/nominated Councillor and the complainant will be offered the opportunity to summarise their position.

The Clerk/nominated Councillor and the complainant will be asked to leave the room while Members decide whether the grounds for the complaint have been made. If a point of clarification is necessary both parties shall be invited back.

The Clerk/nominated Councillor and the complainant will be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it will be communicated to the complainant.

After the Meeting:

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

The results of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

Appeal Process (This is checking that procedure was followed rather than revisiting the action agreed by the council)

Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the results of the proceedings. The appeal should be made in writing.

The councillors nominated to handle the appeal should, within twenty one days of receiving the appeal, examine the way in which the council dealt with the complaint.

If procedures were correctly followed by the council then the complainant should be notified that the appeal has not been successful. If the complaint was not dealt with in accordance with procedures it must be referred back to the Council for consideration

The complainant should be notified of the result of the appeal within 35 days of submission of the appeal.

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Habitual and Vexatious Complaints:

Habitual and vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

The council may have to initiate further action if the complainant behaves in ways that impedes the investigation of the complaint, has significant resource implications, hinders the complaints service for others, be offensive, abusive or threatening.

The aim of the council is to manage each complaint properly, consistently and fairly whilst ensure that the complaint, not the complainant is the issue during the decision making.

The council will try to maintain communication with appropriate support where this can be identified, for example, suggesting an independent representative to support the complainant, or offering relevant support for a complainant with special needs.

Procedure for habitual and vexatious complaints:

The details of an unreasonably persistent or vexatious complaint will be flagged to the Chairman or Vice Chairman to ensure that the complaint has been managed in accordance with the council's complaints procedure.

The Chairman or Vice Chairman should contact the complainant in an effort to resolve the situation.

If a meeting is to take place and it is felt that there is a personality issue then the complainant may request that the meeting be with another councillor. The councillor will be apprised of the facts of the case. It may be that the complainant wishes to bring a representative, in which case the council should give appropriate support in choosing a representative.

The Chairman/Vice Chairman must –

- Listen to the complaint
- Reassure the complainant of confidentiality relating to personal details
- Explain action taken by the council to resolve the complaint
- Suggest any other routes to resolve the issue if the complaint is outside the remit of the council
- Explain to the complainant how their actions are impacting the council's procedure
- Seek an assurance that the persistent and unreasonable actions of the complainant will cease
- Note the details and outcome of the meeting and inform the complainant of this.

If the complainant continues to behave in an unreasonable and/or vexatious way, the Chairman should seek the approval of the council to take action to restrict or refuse further contact.

- This should be communicated to the complainant by letter.
- The council must record the decision and maintain all correspondence in relation to the issue, excepting personal details relating to the complainant.
- The clerk must notify all councillors and staff as appropriate.
- Should any new complaints be received from the complainant then these must be treated on their merit.