



Uffington Parish Council

Complaints Policy

The following Complaints Policy (Code of Practice) has been created based on the framework suggested by the National Association of Local Councils (NALC).

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over parish and town Councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local Councils in England. Uffington Parish Council is committed to providing high quality, accessible and responsive services to everyone who lives, works or visits the village and to serve them as effectively and courteously as possible.

One of the ways in which the Council can continue to improve its services is by listening and responding positively to any comments or complaints that it may receive and by putting right mistakes. The Council has adopted a standard procedure to provide a transparent, fair and confidential process for dealing with complaints made about the administration of the Council or its procedures, which will ensure that any complaint is properly and fully considered. Uffington Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

Aim

The Council aims to ensure that:

- a) making a complaint is as easy as possible;
- b) a complaint is taken as a clear expression of dissatisfaction with its service which calls for an immediate response;
- c) a complaint is dealt with promptly, politely and, when appropriate, confidentially;
- d) it responds in the right way - for example, with an explanation, or an apology where it has got things wrong, or information on any action taken etc;
- e) it learns from complaints, uses them to improve its service, and reviews annually its complaints policy and procedures.

Every effort will first be made by the Clerk or Chairperson to resolve complaints to the satisfaction of the complainant informally, or by providing an explanation, before resorting to the formal complaints procedure.

The complaints procedure will not apply:

1. To complaints about a member of the Parish Council's staff - these will be dealt with internally as an employment matter and appropriate action taken as required. A complaint against a member of the Council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the Council's employment. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.
2. An accusation of financial wrongdoing should be made as a complaint to the Council's external auditor, who may refer the matter to another body if required, refuse to sign off the accounts or produce a public interest report.
3. Any matter that raises a suspicion of criminal wrongdoing may be referred to the police.
4. Where the Council may carry out functions on behalf of another authority, under an agency agreement with Torbay Council, the complaint may be referred to them. In such a situation, the Ombudsman may

be involved if the matter is not resolved by the principal authority.

This procedure deals with complaints about the Council's administration or its procedures.

Definition

Uffington Parish Council uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by National Association of Local Councils (NALC):

'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, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.'

In accordance with NALC/LGO guidelines, the Town Council will try to ensure that their complaints system is:

- well publicised and easy to use
- helpful and receptive
- not adversarial
- fair and objective
- based on clear procedures and defined responsibilities
- quick, thorough, rigorous and consistent
- decisive and capable of putting things right where necessary
- sensitive to the special needs and circumstances of the complainant
- adequately resourced
- fully supported by Councillors and officers
- regularly analysed to spot patterns of complaint and lessons for service improvement.

Confidentiality

NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint. Uffington Parish Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to proceed when there clearly is no reasonable basis to do so, or when the Council has already taken reasonable actions in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. The Council may decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

E Mail Correspondence

Offensive or abusive emails sent to staff impact negatively on the day-to-day running of the Council and directly or indirectly the overall well-being of the staff.

Standards of courtesy and reasonableness should characterise all communication from Councillors and members of public, including those who wish to express a concern or pursue a complaint.

Councillors support the well-being of the staff and everyone else who has legitimate interest in the work of the Council.

- Emails received by employees of Uffington Parish Council that are considered to be offensive or abusive will be forwarded to the Chairperson for investigation.
- Upon investigation (and upholding of the view that the e-mail correspondence is offensive or abusive) the Chairperson will contact the correspondent to state that all e-mail communication will cease if the correspondent continues to communicate in such a manner.

- In all of the above circumstances if the correspondent continues, Uffington Parish Council will seek legal advice and issue an initial letter setting out the unacceptable behaviour and what further action will be taken if it persists. This could range from a harassment claim to a restraining order protecting Uffington Parish Council and its employees from the correspondent.

Complaint about the ethical behaviour of a Parish Councillor

Members of Parish Councils sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to The Monitoring Officer, Legal and Democratic Services, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

Formal Complaints

In certain circumstances, procedures/bodies other than the Parish Council may be appropriate in respect of the following types of complaint:

- Financial irregularity - statutory right to object to the Parish Council's audit of accounts under S.16 Audit Commission Act 1998.
- Criminal activity - the Police

How the Parish Council will deal with the complaint

1. If the Parish Council receives an informal complaint (phone call or in person) then ideally the complaint will be resolved 'on the spot' or very soon afterwards by staff directly involved.
2. A formal (usually written) complaint will be investigated by the Clerk and will be acknowledged within 5 working days with a full response within 14 working days. If the Clerk is unable to reply within the agreed number of days i.e. for very complex matters, then you will be informed and the time scales for reply set out.
3. If the complainant is still not satisfied, they should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated proper officer. A complaint about a code of conduct breach of a member of the Council shall be made to the Monitoring Officer of Shropshire Council.
4. If the complainant does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the Chair of the Council.
5. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints.
6. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
7. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

How will the procedure operate?

Complaints about the Parish Council's procedures, administration or policies will be dealt with by the Parish Council. The outcome of the complaint will be published.

The Clerk will acknowledge receipt of your complaint within seven working days and will also advise when the matter will be dealt with by. In the event that the complaint is of a serious or complex nature, a Complaints Committee, which is made up of 3 councillors who have no interest in the complaint, will be appointed to investigate the issue.

You will be invited to attend the meeting and to bring any representative if you wish.

Seven clear working days prior to the meeting, you are requested to provide the Parish Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Parish Council will

provide you with copies of any documentation which it wishes to rely on at the meeting.

Procedure at the Meeting

- The Complaints Committee will consider whether the circumstances of the meeting warrant the exclusion of the press and public.
- The Chairman will introduce everyone and will explain the procedure.
- You, as the complainant, or your representative, will outline the grounds for complaint.
- Members of the Complaints Committee will ask questions of you or your representative.
- If relevant, the Clerk will explain the Parish Council's position.
- Members of the Committee will be able to ask questions of the Clerk.
- The Chairman will summarise the Parish Council's position and then you will be offered the opportunity of summing up.
- You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.
- If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
- You will then re-join the meeting to be advised of the decision of the Committee, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.

After the meeting

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

What to do if you are still not satisfied

The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.