



BISHOPSTEIGNTON PARISH COUNCIL

Complaints Policy (P.003)

The 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 Council will try to ensure that their complaints system is:

1. Well publicised and easy to use;
2. Helpful and receptive;
3. Not adversarial;
4. Fair and objective;
5. Based on clear procedures and defined responsibilities;
6. Quick, thorough, rigorous and consistent;
7. Decisive and capable of putting things right where necessary;
8. Sensitive to the special needs and circumstances of the complainant;
9. Adequately resourced;
10. Fully supported by councillors and officers;
11. Regularly analysed to spot patterns of complaint and lessons for service improvement.

The procedure set out in this in this policy is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the following way:

- Complaints against Members of the Council through the Monitoring Officer of the principal authority.
- Complaints against members of staff through internal grievance, whistleblowing, or disciplinary procedures.
- Complaints regarding the Freedom of Information legislation, should be referred to the Information Commissioner.
- Any matter that raises suspicion of criminal wrongdoing should be referred to the police.
- An accusation of financial wrongdoing, should be made to the Council's external auditor.

Depending on the nature of the complaint, and to some extent the person who is making it, there may be an occasion when the issue cannot be resolved, and the complainant wishes to take the matter further. Using the following procedure:

Procedure: This procedure will be adopted for dealing with complaints about the Council administration or its practices. Complaints about a policy decision made by the Council may be referred to the Council or relevant Committee, as appropriate for consideration.

1. If a complaint about procedures, administration or the actions of any Council employee is notified orally to a Councillor, or to the Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and nature of the complaint.
2. Any complaint received will receive initial attention within 21 days of receipt.

3. On receipt of a complaint, the Clerk, or Chair if appropriate, will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving them an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
4. Where a Councillor receives a complaint about the Clerk's actions, they shall refer the complaint to the Chair of the Parish Council. The Clerk will be formally advised of the matter and given an opportunity to comment.
5. The Clerk (or Chair where appropriate) will report to the next meeting of the Council any complaint resolved by direct action with the complainant.
6. The Clerk (or Chair where appropriate) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk (or Chair as appropriate) will notify the complainant of the date on which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint to the Council in person.
7. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public. Any decision on the complaint will be announced at the Council meeting in public.
8. The Council may consider in the circumstances of any complaint whether to make any "without liability" payment or provide other reasonable benefit to any person who has suffered loss because of the Council's action. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
9. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
10. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. After advice has been received it will be considered and the complainant will be dealt with at the next Council meeting.
11. If the complainant persists in an unreasonable and/or vexatious way the Council shall be informed and consideration given of what action can be taken. This may include a restriction on or refusal of any further contact with the complainant.
12. All decisions regarding complaints shall be recorded and associated correspondence will be held and stored appropriately in accordance with the current General Data Protection Regulation.

At all times all parties should be treated fairly, and the process should be reasonable, accessible and transparent. The 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). The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint.