

St Teath Parish Council

COMPLAINTS PROCEDURE

Approved by Council - May 2015

1. THE IMPORTANCE OF COMPLAINTS

1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

1.2 It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement.

2. DEFINITION OF A COMPLAINT

2.1 A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff which affects an individual customer or group of customers.

2.2 The complaints procedure will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 What the complaints procedure will not deal with:-

- complaints for which there is a legal remedy or where legal proceedings already exist.
- Complaints about individual councillors – these should be referred to the Standards Committee at Cornwall Council - <https://www.cornwall.gov.uk/council-and-democracy/councillors-and-democracy/standards-committee-information/>
- complaints about employment matters - the Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

3. EQUAL OPPORTUNITIES

3.1 The Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

4. COMPLAINTS OFFICER

4.1 The Complaints Officer for the Council is the Parish Clerk. His/her main duties are:

- The day to day operation and management of the procedure.
- To undertake the investigation of formal complaints at the first stage, within the relevant time scales.

- To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- To identify improvement points arising from any complaints.
- To identify staff training issues.

5. STAGES OF THE PROCEDURE

5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework to work within.

5.2 Informal Complaint - During the course of daily business, minor complaints are made- these will usually be dealt with by the Parish Clerk. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

5.3 Formal Complaint (First Stage) - A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and the Parish Clerk will investigate. The Chair of the Council will be advised that a complaint has been received.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

Timescales

- Acknowledgement - by return of post
- Investigation completed - 14 days
- or Progress Reports Issued - 14 day intervals
- Investigating Officer: Parish Clerk

5.4 Review of Investigation and Complaint (Second Stage) - If the complainant is not satisfied with the Parish Clerk's response, they should be advised of their right to have the complaint referred to the Council who will review the complaint.

Timescales

- Response by the Parish Clerk - 14 days
- Council – next Council meeting
- Review completed - 14 days thereafter
- Investigating Officer: Parish Clerk

5.6 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the Parish Clerk with a summary of the issues and of the attempts made to resolve the complaint. He/she may, in such circumstances, 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.

5.7 Anonymous Complaints

Anonymous complaints should be referred to the Parish Clerk, and may be acted on at his/her discretion, according to the type and seriousness of the allegation. General Council policy will be to disregard anonymous complaints.

6 RESOLUTION AND REMEDIES

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy. An explanation or an apology will always be needed.

7 CONTACTS

St Teath Parish Council
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clerk@stteathparishcouncil.org

Complaints to the Local Government Ombudsman – the Local Government Act 1974 (s34 (1)) defines the authorities the LGO can investigate and this does not include Parish Council. However, the LGO may be able to consider a complaint against a parish council if they are acting on behalf of another Council – delegated responsibilities from the unitary authority. More details can be found at www.lgo.org.uk/publications/fact-sheets/complaints-about-parish-councils.