

# **YOXFORD PARISH COUNCIL**

## **COMPLAINTS POLICY**

### **1. Introduction**

- a) Yoxford Parish Council ('the Council') will try to resolve complaints informally through the normal channels of communication. However, if this is not possible or acceptable to the complainant, the formal complaints procedure set out below will be followed.
- b) A complaint is defined as 'an expression of dissatisfaction about a council's action or lack of action or about the standard of a service, whether the action was taken or the service was provided by the council itself or a person or body acting on behalf of the council'. It may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.
- c) The Council's complaints policy will be provided to any complainant and is accessible from the Council's website via the Council's publication scheme or by requesting a copy from the Clerk.
- d) All formal complaints must be communicated in writing to the Council.
- e) The Council's complaints policy is not appropriate for certain types of complaint. Alleged financial irregularity and complaints about the audit of the Council's accounts are dealt with under section 16 of the Audit Commission Act 1998. Alleged criminal activity should be reported to the police.

### **2. Complaints about the Clerk**

- a) A complaint about the conduct of the Clerk should be sent to the Chairman of the Council, Mr Russell Pearce at Sunflower House, Brook Street, Yoxford, Suffolk, IP17 3HB or to russell\_pearce@sky.com.
- b) The Council will deal with any complaints about the Clerk internally as an employment matter and, if necessary, appropriate action will be taken in accordance with its internal disciplinary procedure.

### **3. Complaints about a Councillor or Council administration and procedures**

- a) A complaint about a Councillor or about the Council's administration or procedures should be sent to the Clerk, Mrs Sharon Smith, Arbour House, Rectory Road, Middleton, Suffolk, IP17 3NP or to parishclerkyoxford@gmail.com.
- b) Complaints about a Councillor or about the Council may also be sent to the Chairman.
- c) Any complaints that refer to individual Councillors' conduct will be referred to Suffolk Coastal District Council's Monitoring Officer. The Suffolk Local Code of Conduct applies to elected Councillors and co-optees appointed to the Council.
- d) This policy sets out the procedures for dealing with formal complaints about Councillors and the Council. Any complaints about the Council will be treated by the Council as a body corporate.

### **4. Procedure for handling complaints**

- a) Complaints should confirm the details of the complaint, relevant events, dates, names of relevant Councillors, staff or contractors of the Council and the complainant's contact details.
- b) The Clerk will acknowledge receipt of the complaint in writing within three working days and advise the complainant of the complaints policy and the next steps to be taken.
- c) The Clerk will advise the complainant if a specific member or full Council will be dealing with the complaint.
- d) The complainant will be asked to confirm if they wish the complaint to be treated confidentially. If the complainant waives confidentiality the Council will continue to comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal details.
- e) The Council will properly investigate the facts of the complaint and collate relevant evidence. The period set aside to investigate the complaint and gather evidence is three weeks.
- f) The Council may process the complaint exclusively through written communications unless the complainant wishes to make verbal representations.
- g) If the complainant wishes to make verbal representations, the Clerk will advise the complainant of the date of the meeting when the matter will be considered by the Council. Verbal representations will lengthen the period for dealing with the complaint.
- h) The complainant will be invited to attend the relevant meeting to make verbal representations and bring with them such representatives as they wish.
- i) Two weeks before the meeting, the complainant will provide the Council with copies of any documentation, or other evidence, which they wish to refer to at the meeting. The Council will provide the complainant with copies of any documentation they wish to rely on at the meeting within the same timeframe.
- j) If the complainant wishes the complaint to be treated confidentially, the Council will exclude the public from the relevant part of the meeting.
- k) At the meeting the complainant (or representative) will be asked to outline the grounds for complaint.
- l) The Council may ask any questions of the complainant.
- m) The Chairman will explain the Council's position.
- n) The complainant (or representative) may ask any questions of the Council.
- o) The Council may summarise its position and the complainant will be offered the opportunity to summarise their position.
- p) The complainant (and any representatives) will be asked to leave the meeting room while the Councillors decide whether grounds for the complaint have been made.
- q) The complainant (and any representatives) will return to hear the decision or to be advised when a decision will be made and communicated to them.
- r) The Council may defer dealing with the complaint if it is of the opinion that issues arise on which further advice is needed. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

- s) The Council may seek professional legal advice about how to respond to a complaint and any remedial steps that it may wish to offer the complainant if the complaint is upheld.
- t) After the meeting, the Council will write to the complainant within ten working days of the meeting to confirm whether or not it has upheld the complaint.
- u) The Council will give reasons for its decision together with details of any action to be taken if this is appropriate.
- v) The Council will provide a response which is proportionate to the complaint.
- w) If the complaint is upheld, the Council may offer a remedy which, as far as possible, puts the complainant back in the position they would have been in but for the matters complained of.
- x) The Council has adopted a two-stage complaints process which permits the complainant to appeal the outcome of a complaint. Where possible, the staff or members previously involved in the original decision will not participate in the determination of an appeal.
- y) Complainants will be informed in writing of their right to appeal the outcome of a complaint.
- z) The Council aims to handle complaints within twelve weeks from receipt to resolution. However, this timeframe may be longer when dealing with lengthier and more complex complaints.

Adopted 4<sup>th</sup> October 2018.