

EWELME PARISH COUNCIL

COMPLAINTS POLICY

1. Purpose

Ewelme Parish Council is committed to providing an effective, transparent and accountable service to the residents of Ewelme and to anyone who comes into contact with the Council.

The Council recognises that, from time to time, concerns or complaints may arise about its decisions, actions, services or the conduct of those acting on its behalf.

This policy sets out how complaints will be handled fairly, consistently and within a reasonable timescale.

The purpose of this procedure is to:

- provide a clear and accessible process for making a complaint;
- ensure complaints are dealt with objectively and fairly;
- provide an opportunity for the Council to put matters right where appropriate;
- identify any lessons that can be learned;
- ensure that complainants are treated with courtesy and respect; and
- ensure that the Council itself is treated respectfully throughout the complaints process.

2. What is a complaint?

For the purpose of this policy, a complaint is an expression of dissatisfaction about:

- the way the Council has carried out, or failed to carry out, a function;
- the standard of service provided by the Council;
- the actions or conduct of the Council, its employees, contractors or persons acting on its behalf;
- the administration of a Council policy or procedure; or
- the way a previous complaint has been handled.

A complaint may be made by an individual, organisation or business affected by the actions of the Council.

A complaint is different from:

- a request for information;
- a request for a service;
- an objection to a planning application;
- a disagreement with a Council decision where there is a specific statutory appeal or objection process;
- a Freedom of Information request;

- a Subject Access Request under data protection legislation;
- a complaint about a member's conduct which falls under the Council's Code of Conduct arrangements; or
- a matter that is properly dealt with by another public authority or statutory body.

Where a matter falls outside this complaints procedure, the complainant will be advised, where possible, of the appropriate route for raising the matter.

3. Who can make a complaint?

A complaint may be made by anyone who has been directly affected by the actions or decisions of Ewelme Parish Council.

Complaints may also be made by a representative acting on behalf of someone else, provided appropriate authority has been given.

Where a complaint concerns an individual, the Council will take reasonable steps to protect that person's personal information and will comply with applicable data protection legislation.

4. How to make a complaint

Complaints should preferably be made in writing so that the Council has a clear record of the matters being raised.

Complaints may be submitted:

- by email to the Parish Clerk;
- by post to the Parish Clerk; or
- by raising the matter with the Parish Clerk, who may assist in recording the complaint.

The complaint should, where possible, include:

- the complainant's name and contact details;
- details of what has happened;
- the date or approximate date of the incident or decision;
- the person or service involved, where known;
- why the complainant considers the matter to be unsatisfactory; and
- what outcome the complainant is seeking.

Anonymous complaints will normally be noted and considered at the Council's discretion, but the Council will not normally be able to provide a response.

5. Informal resolution

Where appropriate, the Parish Clerk may attempt to resolve a complaint informally before the formal complaints procedure is initiated.

This may include providing an explanation, correcting an administrative error, providing further information or discussing the matter with the complainant.

Informal resolution will not prevent a complainant from making a formal complaint if they remain dissatisfied.

6. Stage One – Formal Complaint

A formal complaint should be acknowledged within 7 working days of receipt.

The complaint will normally be investigated by the Parish Clerk, unless:

- the complaint concerns the Parish Clerk;
- the Parish Clerk has been directly involved in the matter; or
- the Parish Clerk considers that another person should investigate the matter to ensure impartiality.

Where the complaint concerns the Parish Clerk, the matter will normally be referred to the Chair of the Parish Council or another appropriate member who has not been involved in the matter.

The person investigating the complaint will consider the relevant information and may:

- review Council records and correspondence;
- speak to relevant individuals;
- consider relevant Council policies and procedures;
- seek further information from the complainant where necessary; and
- take appropriate independent advice where required.

A written response will normally be provided within 20 working days of receipt of the complaint.

If the investigation cannot reasonably be completed within this period, the complainant will be informed of the reason for the delay and given an indication of when a response is expected.

The response will explain:

- the outcome of the investigation;
- the reasons for the decision;
- any action the Council proposes to take, where appropriate; and
- how the complainant may request a review if they remain dissatisfied.

7. Stage Two – Review

If the complainant remains dissatisfied with the Stage One response, they may request a review.

The request should normally be made within 20 working days of the Stage One response and should explain why the complainant considers that the complaint has not been satisfactorily resolved.

The Stage Two review will normally be considered by a panel of at least three Parish Councillors who have not previously been directly involved in the matter.

Where appropriate, the panel may review:

- the original complaint;
- the Stage One investigation;
- relevant Council records;
- the response provided; and
- any new information that is directly relevant to the complaint.

The Stage Two review will normally be completed within 20 working days of receipt of the request.

The complainant will be provided with a written response explaining the outcome.

The Stage Two decision will normally be the Council's final response under this complaints procedure.

8. Complaints concerning the Parish Council, Chair or individual Councillors

Where a complaint concerns the conduct of an individual Councillor, the Council will first consider whether the matter is appropriately dealt with under the Council's complaints procedure or under the statutory Code of Conduct arrangements.

A complaint alleging that a Councillor has breached the Code of Conduct should normally be referred to the relevant principal authority's Monitoring Officer in accordance with the applicable arrangements.

A complaint about a Councillor's administrative actions or the way the Council has dealt with a matter may, where appropriate, be considered under this policy.

Councillors who are the subject of a complaint should not participate in any decision making concerning that complaint where doing so could compromise the impartiality of the process.

9. Complaints concerning the Parish Clerk

If a complaint concerns the Parish Clerk personally, the complaint will not be investigated by the Clerk.

The complaint will normally be referred to the Chair of the Parish Council or another appropriate person nominated by the Council.

Where the complaint concerns both the Clerk and the Chair, the Council will nominate an alternative Councillor or independent person to oversee the complaint.

10. Complaints concerning the Council's decisions

The Council is a democratic body and many decisions are made collectively at properly convened meetings.

A complaint cannot necessarily require the Council to reverse a lawful decision simply because the complainant disagrees with it.

Where a complaint concerns the process by which a decision was made, the Council will consider whether the correct procedure was followed.

Where a statutory appeal, objection or other legal process exists, the complainant will normally be directed to that process rather than the Council's general complaints procedure.

11. Data protection and confidentiality

Complaints will be handled in accordance with the Council's data protection policies and applicable UK data protection legislation.

Personal information will only be collected, used and retained where there is a lawful basis to do so.

Information relating to a complaint will only be shared with those who need to see it for the purpose of investigating or responding to the complaint, subject to legal requirements.

Where a complaint is discussed at a Parish Council meeting, the Council will consider whether the matter should be dealt with in confidential session where legally appropriate.

The Council will not publish personal information about complainants unless there is a lawful basis for doing so.

12. Complaints involving third parties

Where a complaint relates partly or wholly to the actions of another organisation, business, contractor, landowner or public authority, the Council will make clear which matters fall within its responsibility.

The Council will not investigate matters for which another organisation has responsibility.

Where appropriate, the complainant will be signposted to the relevant organisation.

13. Unreasonable or persistent complaints

The Council recognises that a person may make more than one complaint, particularly where they remain dissatisfied.

However, the Council may take proportionate steps to manage complaints where a person:

- repeatedly raises the same matter after it has been fully considered;
- refuses to accept the outcome of the complaints procedure without providing new relevant information;
- makes excessive or disproportionate demands on Council resources;
- repeatedly changes the substance of a complaint;
- submits numerous complaints about substantially the same matter;
- uses threatening, abusive or offensive language towards Councillors, employees or others acting on behalf of the Council; or
- otherwise behaves in a way that prevents the Council from dealing with the complaint effectively.

Before deciding that a complaint is unreasonable or persistent, the Council will consider the circumstances of the individual case.

Where appropriate, the Council may:

- restrict communication to writing;
- nominate a single point of contact;
- limit the frequency of correspondence;
- decline to respond to repeated correspondence that raises no new matters; or
- take other proportionate steps to manage the complaint.

Any decision to restrict contact should be recorded and communicated to the complainant.

14. Complaints involving threatening or abusive behaviour

The Council will not tolerate threatening, abusive, discriminatory or intimidating behaviour towards Councillors, employees, contractors or members of the public involved in the complaints process.

Where such behaviour occurs, the Council may take appropriate steps to protect those involved and may restrict future contact where necessary.

This will not prevent a legitimate complaint from being considered.

15. Complaints made verbally

Where a complaint is made verbally and cannot be resolved immediately, the complainant may be asked to put the complaint in writing.

Where a complainant is unable to make a written complaint, the Parish Clerk may record the complaint on their behalf.

The written record should, where possible, be confirmed with the complainant to ensure that the issues raised have been accurately understood.

16. Recording and monitoring complaints

The Parish Clerk will maintain a complaints record containing, as appropriate:

- the date the complaint was received;
- the nature of the complaint;
- the person responsible for dealing with it;
- the action taken;
- the outcome;
- the date the response was provided; and
- any lessons identified.

The Council will periodically review complaints to identify recurring issues, procedural weaknesses or opportunities to improve its services.

Personal information will not be included in publicly available reports unless there is a lawful basis for doing so.

17. Complaints about the handling of a complaint

If a complainant believes that their complaint has not been handled in accordance with this procedure, they may request a Stage Two review.

Once the Council's internal complaints procedure has been exhausted, the complainant may, where applicable, have the right to refer the matter to the appropriate external body.

The appropriate external route will depend upon the nature of the complaint. The Council will provide information about the appropriate route where it is able to do so.

18. Publicity

This policy will be made available to the public, normally through the Parish Council's website or other appropriate means.

The Council will ensure that members of the public can readily identify how to make a complaint and who to contact.