



Complaints Policy

1 Introduction

The following Code of Practice in Handling Complaints is based on a model code promoted by the National Association of Local Councils.

This protocol can be given out to members of the public on request.

From time-to-time members of the public have complaints about the Council's administration or procedures. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred. Therefore, it is recommended for transparency in local government, and for the benefit of good local administration, that a standard procedure is adopted for considering complaints.

Freeland Parish Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

2 Information for the Complainant

It is hoped that any complaints can be satisfactorily resolved at a local level but complainants should bear in mind that even if a complaint is upheld, the Council does not have the authority to formally discipline a Councillor for breach of the Code of Members Conduct.

For complaints about Councillors, the complainant is welcome and encouraged to contact the Chair of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Members Code of Conduct.

Formal Complaints in respect of Councillors and for breaches of the Code of Conduct should be directed to the West Oxfordshire District Council Monitoring Officer.

Any complaint about a Council employee will normally be dealt with as an employment matter in accordance with the employee's Contract of Employment and the Council's disciplinary and capability procedures.

The terms of this Protocol are specifically deemed **not** to apply to any matters raised by employees of the Parish Council, for whom alternative channels of communication and approved means of redress apply.

The terms of this Protocol are specifically deemed **not** to apply to any matters raised by Members of the Parish Council, who would otherwise have a conflict of interest, and who have alternative channels of communication.

The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.

What is deemed not to be a complaint?

Dissatisfaction of a decision of the Council

- Comments either commendatory or critical where the complainant does not wish to take the matter further
- Reports of a single breach of a service standard.
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans.
- Concerns regarding matters which are the responsibility of another body
- Criticisms of a policy adopted by the Council

3 Procedure

All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.

If the complainant wants someone else, for example a friend, relative or representative, to complain on their behalf, the Council will work with them to resolve the complaint. However, the Council will always need to have evidence that permission has been given for someone else to complain on the complainant's behalf. This is a two stage procedure, and it can be used for most concerns the complainant may wish to raise.

Stage 1 - Informal Complaints

The Council hope that most complaints can be resolved at the first stage of the complaints procedure

Complaints may be given orally or in writing to any Officer or Councillor.

It is hoped that the complaint can be dealt with at an informal local level in consultation with the person, or persons, to whom it refers.

When a complaint is made the Council should acknowledge receipt of it within 2 working days, and advise the complainant when the complainant can expect a full response.

The timescale for responding to Stage 1 is 20 working days. In some circumstances this can be extended to 30 working days. If the Chair or Clerk deems that more time is required, the complainant will be contacted and advised when they can expect a response and the reasons for the delay.

Stage 2 – Formal Complaint

If after receiving the response at Stage 1, the complainant remains unhappy, they can escalate the matter to Stage 2 - Formal Complaint.

The timescale for responding to Stage 2 is 30 working days. In some circumstances this can be extended to 40 working days. If the investigating officer requires more time, the complainant will be contacted and advised when a response is anticipated and the reasons for the delay.

The Council understand that the complainant wants their complaint resolved and want to ensure they get a response as soon as possible. However, to ensure all elements of the complaint are considered, the Council have to ensure that a thorough investigation is undertaken, that all information has been provided and that any legal requirement has been looked at. Only then can a comprehensive and considered report be provided.

In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant.

A Formal Complaint with the Council should be submitted in writing (letter, fax or e-mail) to the Chair or Clerk.

The letter or e-mail must state that a Formal Complaint is being made and include the following information:

- Name, address, and telephone number of the complainant
- Who is the complaint about or the full nature of what the complaint is about
- How the issue has affected the complainant
- Copies of any relevant documents
- Details of third parties and their involvement
- What action the complainant believes might resolve the complaint

The Chair or Clerk will within two working days appoint an "Investigating Officer" who will conduct any investigation needed and be given authority to interview any staff.

The Investigating Officer will undertake any and all investigations needed, make all necessary records of the progress of the investigation and report to the Chair or Clerk in writing within fifteen working days of being instructed.

The Chair or Clerk will review the submitted report within three working days of receiving it and may conduct further interviews if considered necessary or authorise further investigations, to be completed within the same time period.

The Chair will then determine the complaint and if upheld will authorise any relevant remedial action needed, including any change to procedure, or reject the complaint completely.

In either case the complainant will be informed of the decision in writing within 30 working days of the Formal Complaint being received.

4 Appeals

No appeal will be considered in relation to the operation of this Protocol and there is no further appeal to the Parish Council. Any rights or protection under statute are not affected by this.

5 Data protection - Recording of Complaints

When a complaint is made the Council will log information about the complaint and the complainant's name and contact details. Information will only be collected and stored for the purposes of dealing with the complaint and improving the Council's services. The record will note the nature of the complaint, the reasons for the decisions made and what actions might need to be taken in the future (if any). The complaint and details will be treated confidentially.

6 Equality and diversity complaints (including complaints relating to allegations of discrimination or discriminatory behaviour)

If in receiving a service from the Council, the complainant feels that they have experienced any form of unlawful discrimination or unfair treatment on the grounds of race, gender, disability, sexuality, faith/belief or age they can make a complaint using the corporate complaints procedure.

In these cases the complaint will be put straight through to Stage 2 of the complaints procedure.

If the complaint relates to staff conduct and behaviour the Chair will consider the details of the complaint and decide the most appropriate way to investigate the complaint.

Adopted:

Signed:

Date: