



## **COMPLAINTS PROCEDURE**

**2022**

## **Introduction**

Wendover Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. 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.

It is essential that complaints be dealt with positively. The Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring. If you are dissatisfied with the standard of service you have received from Wendover Parish Council or are unhappy about an action or lack of action by us, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

## **Definition of a Complaint**

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 the individual customer or group of customers.

### **What the complaints procedure will deal with:**

The complaints procedure will deal with matters of maladministration, which is if the Parish 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

### **What the complaints procedure will not deal with:**

- complaints for which there is a legal remedy or where legal proceedings already exist
- complaints about employment matters, complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer as the Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- complaints against Councillors. Complaints against individual Councillors will be referred to the Monitoring Officer of Buckinghamshire Council. Further information about this process may be obtained from the Monitoring Officer of Buckinghamshire Council.

## **Equal Opportunities**

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

Complaints by members of the public of discrimination and/or harassment against the Parish Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

## **Data Protection Act 2018**

The Data Protection Act 2018 must be complied with when dealing with a complaint and the complainant's personal details. By making a formal complaint with the Parish Council, individuals are deemed to be giving consent for their personal data to be used in accordance with the Data Protection Act 2018 and the Parish Council's Information and Data Protection Policy. Personal information provided will only be used for the purpose for which it has been given and may be shared with a third party if the Parish Council deems that it will assist in resolving the issue raised.

## **Stages of the Procedure**

Complaints sometimes arise due to a misunderstanding or a misconception. If you prefer to discuss your concerns informally with either the Clerk or the Chair of the Council or the source of the complaint, please contact the Clerk. Such action does not prevent you following the formal complaints procedure as set out below.

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

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

It is vital however, that the Clerk remains clear of the process, until required at the second stage to ensure that their contribution is completely independent

### **Everyday problems, queries and comments**

The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

### **Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. Staff at the Clock Tower will usually deal with these.

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.

### **Formal Complaint (Stage 1)**

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 passed to the appropriate officer to investigate., normally the Clerk

#### **Timescales:**

Complaint Acknowledged	72 hours
Investigation completed	21 working days
or progress reports issued	21 working day intervals

### **Review of Investigation and Complaint (Stage 2)**

If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Council's Complaint Committee. The complaint should confirm in writing why they remain unhappy within 10 working days of receiving the original investigation/outcome as per stage 1.

### **Complaints Committee (Stage 3)**

As soon as reasonably practicable the Complaints Committee should convene. The committee will review the complaint and respond accordingly.

The outcome of all formal complaints dealt with by the Complaints Committee will be reported to the full Council.

#### **Timescales:**

Panel convened within	21 working days
Investigation completed	21 working days thereafter
or Progress Reports issued	21 working day intervals

### **Before the Complaints Committee Meeting**

The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The Council shall provide the

complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Complaints Committee Meeting**

The Committee shall consider whether the circumstance of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Committee meeting in public.

The Chair should introduce everyone and explain the procedure.

The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii) members.

The Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.

The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

The Clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back in.

The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day, they should be advised when the decision is likely to be made and when it is likely to be communicated to them. See timescales above.

### **Conflicts of Interest**

In handling and resolving the complaint, the Clerk or other nominated officer and Council members shall pay due regard to any conflicts of interest which may exist or arise while doing so. Such conflicts of interest would normally preclude their involvement in the decision-making process.

### **Unreasonable and Vexations Complaints**

Habitual or vexatious complainants can be a problem for Parish Council staff and councillors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Councillor time. While the Parish Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can be done to assist or to rectify a real or perceived problem.

The Council has adopted the Local Government Ombudsman’s definition and identified characteristics for unreasonable or unreasonably persistent complainants *“For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s complaints”*.

The Parish Council will take steps to protect its staff from members of the public who are behaving in a way which is considered abusive and/or vexatious.

The Parish Council will decide if it considers a Complainant’s behaviour or actions to be vexatious. In such circumstances, the Parish Council reserves the right to determine the appropriate restrictions it may apply to any individual or group of individuals, which may ultimately include exclusion from Parish Council meetings.

### **Anonymous Complaints**

Anonymous complaints should be referred to the Clerk, and may be dismissed at their discretion, according to the type and seriousness of the allegation.

### **Resolution and Remedies**

The aim in dealing with all complaints is to reach a resolution for 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 (the Complaints Committee to make any final decision regarding remedy). An explanation or an apology will always be needed.

### **CONTACTS**

Clerk to Wendover Parish Council

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### **Document History**

Reviewed at Adopted by Parish Council

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