

# STALMINE WITH STAYNALL PARISH COUNCIL

## COMPLAINTS POLICY AND PROCEDURE

### 1. Introduction

This Policy sets out procedures for dealing with any complaints that anyone may have about Stalmine with Staynall Parish Council's **administration and procedures**. It applies to Stalmine with Staynall Parish Council's employees. Councillors are covered by Code of Conduct adopted by Stalmine with Staynall Parish Council on 16 July 2012 (*Stalmine-with-Staynall Parish Council Standing Order 13. (a)*), and subject, therefore, to separate procedures.

### 2. The Importance of Complaints

2.1 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.

2.2 It is essential that complaints are dealt with positively. The Parish Council is anxious to hear people's comments and is 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.

### 3. Definition of A Complaint

3.1 A complaint is *an expression of dissatisfaction, about the standard of service, actions or lack of action by the Parish Council or its staff which affects an individual, customer, or group of customers.*

#### 3.2 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.

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

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Parish Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- Complaints against **policy decisions** made by the Council shall be referred back to Council [but note paragraph 7(a) of the Council's Standing Orders which says that issues shall not be re-opened for six months].
- A complaint within the scope of this procedure **should not be made verbally** to a Councillor or to the Clerk of the Council. The complainant is asked to put the complaint in writing to the Clerk to the Council. If the complaint relates to the Clerk to the Council the complainant is asked to put the complaint in writing to the Chair. Details of the clerks/chair email addresses can be found on the council's website.

## **4. Equal Opportunities**

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

4.2 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.

## **5 Complaints Officer**

5.1

- The Complaints Officer for the Parish Council is the Parish Clerk. Their main duties are:
- The day-to-day operation and management of the procedure, including providing a reference point for staff queries or informal complaints. If the complaint is made formal the Clerk will follow Stalmine-with-Staynall Parish Council Grievance Policy.
- To oversee, and undertake where necessary, 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.

## **6 Stages of The Procedure**

6.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

### **6.2 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 public/companies/employee'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.

### **6.3 Informal Complaint (first stage)**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. 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.

### **6.4 Formal Complaint (second stage)**

An electoral/company 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 by the Parish Clerk to investigate.

On receipt of a written complaint the Chair or the Clerk to the Council (except where the complaint is about his or her own actions), shall try to settle the complaint directly with the complainant. This shall not be done

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without first giving the person against whom the complaint has been made the opportunity to comment. Efforts should be made to attempt to settle the complaint at this stage.

The Clerk to the Council or the Chair shall report to the next meeting of the Council any written complaint dealt with by direct action with the complainant.

The Clerk to the Council or the Chair shall bring any written complaint that has not been settled to the next meeting of the Council. The Clerk to the Council shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered an opportunity to explain the complaint to the meeting. However, this opportunity will not be given if the matter relates to an ongoing or potential disciplinary or grievance matter where it is likely to prejudice the employee's right a fair hearing.

The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.

As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

#### **6.5 Councillor's Panel**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to Wyre Borough Council.

The outcome of all formal complaints dealt with by Wyre Borough Council will be advised to the Council.

#### **6.7 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. They 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.

#### **6.8 Anonymous Complaints**

The Council will not accept any anonymous complaints. Should the complainant require anonymity the reason(s) should be relayed to the Parish Clerk by the complainant. If the Clerk is satisfied, personal information of the complainant will be redacted within the public domain, according to the type and seriousness of the allegation.

### **7 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.

## 8 Contact details of the Parish Clerk:

**Email:** [clerk@stalmine-with-staynall-pc.gov.uk](mailto:clerk@stalmine-with-staynall-pc.gov.uk)

**Address:**

32 Mill Lane  
Stalmine  
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FY6 0LR

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