



SEDGWICK PARISH COUNCIL

Complaints Procedure

Adopted by Full Council on November 10th 2021 Review date 11/22

We cannot please everyone all the time.

We can promise is to listen and to do what we can to deal with problems.

The following policy sets out Sedgwick Parish Council's procedure for dealing with complaints and is based on the framework suggested by the National Association of Local Councils.

1. Definition of a complaint

Generally, a **routine** complaint will be an expression of dissatisfaction by one or more members of the public about a procedure, an action or lack of action or about the standard of a service - whether the action was taken (or the service provided) by the Parish Council or a person or organisation acting on behalf of the Council. **Habitual or vexatious complaints** are deemed as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

In the majority of cases, the matter can be dealt with in an informal manner but should be recorded and reported to a normal Council meeting by the person dealing with it.

When a complaint is made and a resolution cannot be found, a **formal** complaint can be made.

2. Making a formal complaint

Formal Complaints should be put in writing (by letter or e-mail) to the Clerk except for complaints about the Clerk, in which case, the Chairman takes the place of the Clerk in managing the process. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing. Anonymous complaints will be disregarded.

Some types of complaint are handled by a different procedure: financial irregularities are handled by the auditor or the Audit Commission, criminal activity by the Police, member conduct by the District Council's Standards Committee and employee conduct by internal disciplinary procedure.

Vexatious complaints (when a complainant persists in pursuing a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action) will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council 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.



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3. The Formal Complaint Procedure for complaints dealt with by Council

When a formal complaint has been received, the Clerk will inform the Chair and agree how to proceed. Advice may be sought from SLDC and CALC. The Clerk will respond to the complainant within seven days to explain the procedure that will deal with their complaint.

A Complaints Committee will be formed, made up of the Chair and full Council less the Vice Chair and one other, who would then remain independent and could make up an Appeals Committee. A meeting of this Committee will be convened with at least 14 days' notice to make a judgement on the complaint. Consideration will be given to whether the circumstances of the meeting are confidential and warrant the exclusion of the press and public.

The complainant will be invited to attend the meeting and to bring a representative if they wish. They will be required to provide the Committee with copies of any documentation or other evidence which they wish to refer to at the meeting, at least seven days before the meeting. Similarly, the Parish Council will provide copies of any documentation which it wishes to rely on at the meeting.

4. Procedure at the Meeting

The Chairman will introduce everyone and explain the procedure.

The Complainant, or their representative, will outline the grounds for complaint.

Members of the Complaints Committee may ask questions.

If relevant, the Clerk will explain the Parish Council's position.

The Chairman will summarise the Parish Council's position.

The Complainant will be offered the opportunity of summing up.

The Complainant and their representative will be asked to withdraw from the meeting whilst

Members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate for the Clerk to withdraw from the meeting whilst Members reach a decision.

If any points of clarification are required, the complainant will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

The Complainant will then re-join the meeting to be advised of the decision of the Committee, and if appropriate the reasons for the decision, or, if necessary, to be advised when a decision will be made.



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5. Procedure after the meeting

The clerk will confirm the decision, with reasons given, in writing, within seven working days, together with details of any action to be taken and details of how to appeal.

The result of the proceedings should be reported at the next council meeting after the appeal period of 14 days has passed, ensuring that agreed confidential issues are appropriately respected.

6. Appeals

Should the complainant not agree with the decision they are entitled to appeal within fourteen days of receipt of the result of the proceedings, explaining the reasons for their appeal.

The councillors excluded from the Complaints Committee will form the Appeals Committee which will handle the appeal. Within twenty-one days of receiving the appeal, they will meet to consider the reasons for appeal and examine the way in which the council dealt with the complaint. They do not re-consider the matter but check that procedures were followed.

If procedures were correctly handled by the council, the complainant should be notified that the appeal has not been successful.

If the complaint was not handled correctly it must be referred back for consideration by the Complaints Committee.

The complainant should be notified of the result of the appeals process within fourteen days.

7. Complaints relating to the Clerk

These will be dealt with by the Chairman as employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Parish Council are entitled. The complainant will be informed of action taken.