

Policy

Complaints Policy

This Procedure is a document that sets out the organization's approved and agreed practices. Any deviation must be discussed with the originating author.

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1. DOCUMENT CONTROL SHEET

Purpose of document:	This document sets out the Billingham Parish Councils approach to the handling of complaints.
Dissemination:	This policy will be disseminated to all staff and council members and be made available on the parish website
Implementation:	This document will be accessible via the parish council website and is applicable to all staff and council members.
Review:	This document will be reviewed in 2024 at the Annual Meeting unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	
This document supports (enter Standards and Legislation:	Local Government Ombudsman (LGO) 'Principles of Good Complaints Handling'
Key related documents:	Whistleblowing Policy PCD014 Confidential Reporting Policy PCD015
Financial Implications:	This document has no financial implications for the Billingham Parish Council.
Key word search	Complaints

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3. INTRODUCTION

a. This policy describes how Billingham Parish Council (hereafter referred to as 'the Council') will respond to complaints. The policy advocates adherence to the principles of good complaint handling as defined by the Local Government Ombudsman:

- i. Getting it right.
- ii. Being customer focused.
- iii. Being open and accountable.
- iv. Acting fairly and proportionately.
- v. Putting things right.
- vi. Seeking continuous improvement

b. A complaint under this policy could be in relation to any of the following examples:

- i. There has been a significant delay in providing a service.
- ii. A mistake has been made in the way a service has been provided.
- iii. There has been a failure in the delivery of a service; this could relate to the quality, standard or service level.
- iv. The Council has considered to not have listened properly.
- v. The council processes or policies have not been followed.
- vi. The Council's legal or regulatory obligations have not been met.
- vii. The council has not delivered against a commitment or promise.
- viii. The council staff have not been helpful or have not conducted themselves correctly.

c. It will not be appropriate to deal with all complaints from members of the public under a complaint's procedure. The Council will need to refer or use procedures / bodies in respect of the following types of complaint:

- i. Individual member's conduct alleged to breach the Code of Conduct adopted by the Council. The relevant principal authority Monitoring Officer should be contacted; the district council has responsibility for such matters
- ii. Alleged financial irregularity. Local electors have a statutory right to object to a Council's audit of accounts (Audit Commission Act 1998 s.16)
- iii. Alleged criminal activity. These complaints should be made direct to the Police

d. A member of the public may also consider a criticism about a service (e.g. an untidy park area or unclean public toilet) or a fee (e.g. the level of charge for an allotment) to be a complaint, but these do not fall within the formal complaints procedure unless the Council has acted improperly and should be treated as normal service requests.

4. DUTIES OF THE PARISH CLERK (AS RESPONSIBLE OFFICER OF THE COUNCIL)

a. The Parish Clerk has overall responsibility for the maintenance and operation of this policy and will maintain a record of complaints raised and the outcomes (but in a form which does not endanger individual confidentiality) and will report as necessary to the Council.

5. PRIOR TO MEETING WHERE ANY COMPLAINT IS TO BE HEARD

a. Any complaint about the Council's procedures or administration should be made in writing to the Parish Clerk. The Council shall provide reasonable assistance to the complainant, to accurately record the complaint, where the complainant cannot or has difficulty in setting out a written complaint.

b. If the complainant does not wish to put the complaint to the Parish Clerk, it should be addressed to the Chairman of the Council.

c. The Clerk will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.

d. The complaint should be treated as confidential or whether, and the council is obliged to comply with its duties under the Data Protection Act 2018 at all times to safeguard against the unlawful disclosure of personal data.

e. The complainant will be invited to attend the meeting at which the complaint will be considered and be offered the opportunity to be accompanied by a representative, if required.

f. Seven clear working days prior to the meeting, the complainant is required to provide the Council with copies of any documentation or other items on which the complaint is based.

g. 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.

6. AT THE MEETING

a. The council shall exclude the public and press whilst discussion of the matter takes place. Any decision on a complaint shall subsequently be announced at a meeting in public, whilst considering any duties to safeguard personal data.

b. The Chairman will introduce everyone at the meeting and explain the procedure to be followed.

c. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and (ii) Councillors.

d. The Clerk will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) Councillors.

e. The complainant will be offered the opportunity to summarise their position.

f. The Clerk will be offered the opportunity to summarise the position on behalf of the Council.

g. The Clerk the complainant should be asked to leave the room while Councillors decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

h. 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 communicated to them.

7. AFTER THE MEETING

a. The decision should be confirmed in writing within seven working days, together with details of any action to be taken.

b. The Council's decision on the matter will be final, and no further appeal process will be offered.

8. PERIOD WITHIN WHICH COMPLAINTS CAN BE MADE

a. The period for making a complaint is:

i. Twelve months from the date on which the event that is the subject of the complaint occurred; or

ii. Twelve months from the date on which the event that is the subject of the complaint came to the complainant's notice. This time limit may not apply if the complainant had good reasons for not making the complaint within the time limit and the complaint can still be investigated effectively and fairly, in the opinion of the Parish Clerk.

9. REGISTERING COMPLAINTS.

a. A central register of all formal complaints will be maintained and allocated a complaint reference number by the Clerk. This includes complaints where the Council is implicated in any part of another organisation's complaint. Each complaint received by the Council should have a separate complaints file which includes any letters, memoranda or other written correspondence and file notes of all telephone and personal conversations. If the complaint goes to the Local Government Ombudsman, good records can help to demonstrate that the complaint has been investigated adequately at local level. Complaints are more likely to be referred to the next stage if they have been inadequately or inappropriately handled at local level, and good records will assist the Council in justifying the outcomes of local resolution.