

# **Bildeston Parish Council**

## **Complaints Procedure**

**Date of Adoption: 13<sup>th</sup> March, 2017**

## **1. Complaints Policy**

The Parish Council is committed to providing high quality services for the people of the village and welcomes the comments it receives, whether they are compliments or complaints.

## **2. Definition of Complaint**

Complaints are defined as an expression of dissatisfaction with the service from the Parish Council. Staff will try to resolve any issue causing dissatisfaction immediately at the point of enquiry. However, if this is not possible and a person remains dissatisfied, they may request that it is treated as a formal complaint.

## **3. Publication of the Complaints Procedure**

A copy of this complaints procedure is available from the Parish Clerk.

## **4. Making a Complaint**

- a. All formal complaints about the Parish Council (hereinafter referred to as 'the Council') must be made in writing. The complaint should be made by letter, and signed and dated by the complainant.
- b. The complainant must confirm whether or not they wish the complaint to be treated confidentially.
- c. (Note: Notwithstanding the response given by the complainant, the Council recognises that it must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.)
- d. The complaint should be sent to the following address:

The Parish Clerk  
Bildeston Parish Council  
The Wren  
1 All Saints Road  
Creeting St Mary  
Ipswich  
IP6 8NF

or via email to [clerk@bildeston.suffolk.gov.uk](mailto:clerk@bildeston.suffolk.gov.uk);

- e. Alternatively, if the complaint relates to the Clerk, the complaint should be sent to the Chair of the Parish Council at the above address and marked 'For his/her Personal Attention'.

## **5. Receiving a Complaint**

The Clerk (or if the complaint concerns them, the Chair), shall acknowledge receipt of the complaint within seven working days of receipt and in so doing, confirm the following:

- The nature of the complaint (is it to be treated as being confidential or the complainant has waived confidentiality).
- The next steps to be taken in handling the complaint, including the timescale for handling the complaint and opportunities for the complainant to make oral representations to support the written complaint.
- The opportunity to appeal the outcome of a complaint

## **6. Investigating a Complaint**

### Stage 1 Investigation

- a. The Council will investigate the complaint and consider the evidence.
- b. The Council shall endeavour to respond to the complainant within 14 working days of our acknowledgement of receipt of the complaint. If we require more time, we will notify you.
- c. The complainant shall be permitted to make oral representations to the Council. In such circumstances the following shall apply:
  - i. At least seven days before the complainant meets the Council, the complainant shall provide any new information or other evidence relevant to the complaint and the Council shall provide any new information or other evidence relevant to the complaint to the complainant.
  - ii. The complainant has the right to be accompanied by a friend or relative.
  - iii. The procedure for the review meeting shall be outlined by the Council.
  - iv. The complainant shall be given the opportunity to outline the grounds for the complaint, and questions may be asked by the Council.
  - v. The Council's position shall be outlined by the clerk or other nominated person and questions may be asked by the complainant.
  - vi. The opportunity shall be given for the complainant and Council to summarise their positions.
  - vii. At the conclusion of the session, the complainant should be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

## **7. Determining a Complaint**

- a. The Council shall write to the complainant to confirm whether or not it has upheld the complaint.
- b. The Council shall give reasons for its decision together with details of any action to be taken if this is appropriate.
- c. The Council shall provide details of Stage 2, the appeals stage, in writing to the complainant of what further steps can be taken if they are dissatisfied with the findings and/or any proposed redress offered by the Council.

## **8. Appealing the Decision**

- a. The complainant shall submit any appeal, in writing, within 14 working days of the date of the decision letter that has been issued by the Council in respect of the complaint. Please refer to paragraph 3 above for details of to whom it should be submitted.

### Stage 2: Review

- b. Any further written representations submitted by the complainant will be considered in determining the appeal.
- c. The Council shall endeavour to determine the appeal within 14 working days. If we require more time, we will notify you.
- d. The appeal will be considered by one or more Councillors who were not involved in making the original decision.
- e. The findings of the appeal shall be provided to the complainant in writing.

## **9. Guidance on this Procedure**

### **a. Complaints in Writing**

Please note that anonymous complaints will not be accepted for investigation. This is because we will need to understand the specific issues raised and may need to clarify points with the complainant before we can determine the complaint.

### **b. Review and Report**

Where the nature of a complaint has policy implications for the Council or the issue affects a significant number of people, the Council may, at its discretion, conduct a formal review of the matter and issue a report having dealt with the original complaint.

### **c. Complaints about Councillors**

Complaints about Councillors who have breached the Code of Conduct whilst undertaking their functions as a Councillor, should be reported to the Monitoring Officer at the District Council.

### **d. Habitual or Vexatious Complaints Procedure**

There may be a matter which is the subject of repeated complaints from the same person, persons or a local interest group which continue after the formal complaints procedure has been completed and/or after a formal review has been undertaken and report has been issued. If the Council finds that it cannot do anything more to help, it will put this in writing and reserve the right not to enter into further communications about the matter or related matters.

**e. Jurisdiction of the Ombudsman**

The Local Government Ombudsman has no jurisdiction over the affairs of a local council unless it is working jointly with a principal authority through a joint committee which includes representatives of the principal authority (section 25(4) (b) of the 1974 Act) or it is exercising the functions of a principal authority (section 25(7) of the 1974 Act).

The Clerk will provide advice on the role and jurisdiction of the Local Government Ombudsman upon request.

**10. Update**

The Council will maintain the contents of this document under review and issue revisions from time to time to ensure that it accords with best practice. The current procedure adopted by the Council seeks to reflect the guidance issued by the National Association of Local Councils Legal Topic Note LTN 9E.