

Shafton Parish Council

COMPLAINTS POLICY & PROCEDURE

1. Shafton Parish Council is committed to providing the best quality of service to the residents that it serves but appreciates that there may be times when things go wrong. The purpose of our complaint's procedure is to put things right in such situations. The Council will take all complaints seriously.

1.1 The Parish Council is eager 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.

1.2 At all times, all parties will be treated fairly, and the complaints process will be reasonable, accessible and transparent.

2. SCOPE

2.1 Definition of a Complaint

For the purpose of this policy, the following definition of a complaint will be used: "A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council."

2.2 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

2.3 When the Complaints Procedure is Not Appropriate

The Parish Council's Complaints Procedure will not be used in respect of the following types of complaint:

a) Financial Irregularity

The Parish Clerk or Responsible Financial Officer (RFO) should endeavour to provide an explanation of the item. If the complainant is not satisfied, complaints about financial irregularity should be referred to the Council's Auditor, whose name and address can be obtained from the Parish Clerk or RFO will advise the complainant of their statutory right to object to the Council's audit of accounts pursuant to S16 Audit Commission Act 1998.

On other matters, it may be necessary for the Parish Clerk or RFO to consult the auditor/Audit Commission.

b) Criminal Activity

The Parish Clerk should refer the complainant to the Police.

c) Member Conduct

Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Barnsley Metropolitan Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Barnsley Metropolitan Borough Council.

d) Employee Conduct

A complaint relating to the conduct of an employee will be dealt with via the Council's Disciplinary Policy and Procedure. Complaints that an employee may have about a colleague will be dealt with in accordance with the Council's Grievance Procedure and Whistleblowing Policy. Complaints that an employee may have about a Member will be referred to Standards Committee of Barnsley Metropolitan Borough Council. .

3. 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 recognized as a complaint.

4. DATA PROTECTION ACT 2018

4.1 The Data Protection Act 2018 must be complied with when dealing with a complaint and the complainant's personal details.

4.2 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.

4.3 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.

5. COMPLAINTS PROCEDURE

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

5.1 Stage One

In the first instance, a complaint about a service, procedure or administration of the Council will be dealt with in the following way:

a) Contact the Clerk and tell them about the problem. This can be done in person, by phone, by email, by letter or by using the complaints form attached to this policy document. Contact information for the Council's premises is available at the end of this policy document.

b) If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Full Council.

c) Every effort will be made to resolve the complaint straight away. We aim to reply to all correspondence within ten working days.

d) Should the complaint not be resolved by staff, complainants will be advised that they may instigate stage two of the complaints procedure, which will result in a complaints meeting being held.

5.2 Stage Two – Prior to the Complaints Meeting

a) The complainant should be asked to put the complaint in writing (letter, email or complaints form) to the Parish Clerk or other nominated officer. This may be done by the complainant, or someone acting for him/her; it may be done by a Council officer if the complainant needs help. If the complainant does not wish to put the complaint to an officer of the Council, he/she will be advised to put the complaint to the Chairman of the Council.

b) Following receipt of the complaint, the Council officer will immediately refer the written complaint to the Full Council.

c) The Council officer will provide a written acknowledgement of the complaint

within seven working days. The letter will advise the complainant when the matter will be considered by the Parish Council. The complainant will also be advised when the the complaint will be treated as confidential or whether notice of it will be given in the usual way. The complainant will be invited to attend the meeting and will be informed that they may bring a representative with them.

d) The complainant will be notified that they must provide the Council with copies of any documentation or evidence relied on, seven clear working days prior to the Parish Council meeting.

e) The Council will provide the complainant with copies of any documentation upon which it wishes to rely at the meeting, and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the Parish Council meeting.

5.3 Stage 3 - At the Complaints Meeting

a) Shafton Parish Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. It is general practice that the public and press will be excluded due to the confidential nature of many complaints.

b) The Chairman will introduce everyone and explain the procedure.

c) The complainant, or their representative, will outline the grounds for complaint and then questions may be asked (i) by the Parish Clerk or other nominated officer, and then(ii) by Members.

d). The Parish Clerk or other nominated officer may then explain the Council's position and questions may be asked (i) by the complainant and then (ii) by Members.

e) The Parish Clerk or other nominated officer should be offered the opportunity to summarize their position.

f) The complainant is then given the opportunity to summarize their position.

g) The Parish Clerk, or other nominated officer, and the complainant will be asked to leave the room while Members decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.

h) The Parish Clerk, or other nominated officer, and the complainant will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalized on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.

i) The decision will be confirmed in writing within 20 working days of it having been made, together with details of any action to be taken.

j) The decision will be reported to the next full Council meeting, which will be open to the public and the press.

k) After the complaint's procedure has been followed, the complainant has no right to further appeal.

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5.4 Stage 4 - Council Representation

If the Parish Clerk or other nominated officer represents the position of the Council at the meeting, putting forward justification for the action or procedure complained of, he/she should not advise the Parish Council, as they need to determine the matter themselves.

5.5 Stage 5 - Analysis

Complaints will be analysed annually by the Parish Clerk to spot patterns of serious complaints and lessons for service improvement, as well as assessing how well the complaints procedure is being followed.

6. UNREASONABLE AND VEXATIOUS COMPLAINTS

There will be circumstances when a complainant persists in wishing to proceed when the complaint clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other procedure should or has been taken. These matters will be referred to the Parish Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Clerk may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and will inform the complainant to this effect, making it clear that only new and substantive issues will merit a response.

7 ANONYMOUS COMPLAINTS

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

8. 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. An explanation or an apology will always be needed.

7. POLICY REVIEW

This policy will be reviewed on a two-year cycle. However, the policy will also be examined when a formal complaint is made to identify any areas requiring improvement.

Contact Details for the Parish Clerk:
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