



# Stanway

## Parish Council Policy

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### Complaints Procedure and Policy

#### Introduction

Clear guidance on handling complaints has been produced by the Local Government & Social Care Ombudsman and can be accessed from the publications page of the LGO website ([www.lgo.org.uk](http://www.lgo.org.uk)). Although as a local council, Stanway Parish Council are currently not under the remit of the Ombudsman, it is important that the Council's response to a complaint is "proportionate and timely". As the LGO guidance regarding how quickly complaints to principal authorities should be resolved may change from time to time, Stanway Parish Council has adopted a response period of within twelve weeks but hope in many cases, that resolution may be possible within a much shorter timescale.

Stanway Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint

#### Definition of a Complaint

*A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Parish Council or its staff which affects an individual person or group of people.*

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.
- discrimination and/or harassment against the Parish Council, unless it is a complaint that should be dealt with through a statutory procedure

# Stanway Parish Council

This Complaints Procedure does not apply to:

- (a) Complaints by one council employee against another council employee, or between a council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- (b) Complaints against councillors. 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 Colchester Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Colchester Borough Council.
- (c) 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. Please refer to the Council's Vexatious Complaints Policy for further information.

## The 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. 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.

The appropriate time for influencing Council decision-making is by raising concerns before the Council debates and votes on any topic. This can be done in writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise concerns in the public participation section of Council meetings.

If unhappy with a Council decision, a complainant may raise their concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

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 on informal complaints.

Complaints should be addressed to: -

The Clerk of Stanway Parish Council

The Parish Council Office, Victory Hall, Villa Road, Stanway, Essex CO3 0RH

Telephone: 01206 542221

Email: [clerk@stanwaypc.org.uk](mailto:clerk@stanwaypc.org.uk)

## Stanway Parish Council

A complaint may be made in person, by phone, or by writing to or emailing the Parish Clerk. The addresses and numbers are set out below. Anonymous complaints should be referred to the Parish Clerk and may be acted on at his/her discretion, according to the type and seriousness of the allegation. However, under UK law, any allegations must be supported by evidence sufficiently substantial to hold up in a court of law, otherwise they run the risk of being defamatory.

Wherever possible, the Clerk will try to resolve the complaint immediately. If this is not possible, the Clerk will normally try to acknowledge the complaint within five working days.

If the complainant does not wish to report their complaint to the Clerk, they may make their complaint directly to the Chair of the Council who will report the complaint to the Corporate Governance Committee or the Full Council (as appropriate).

The Clerk or the Corporate Governance Committee or the Full Council (as appropriate) will investigate each complaint, obtaining further information as necessary from the complainant and/or from staff or members of the Council.

The Clerk or the Chairman of the Council will notify any complainants within 20 working days of the outcome of the complaint and of what action (if any) the Council proposes to take as a result. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)

If the complainant is dissatisfied with the response to their complaint, they may ask for the complaint to be referred to the Corporate Governance Committee or Full Council (as appropriate) and (usually within eight weeks) the complainant will be notified in writing of the outcome of the review of their original complaint.

Complaint records will be retained in accordance with the Council's retention policy. The records will include details of the nature of the complaint, action taken including improvement points and/or staff training, the outcome, and time taken to resolve the complaint