

## Swaffham Prior Parish Council

### Complaints Policy.

#### 1. Introduction:

- 1.1 Swaffham Prior Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and this policy is to ensure that any complaint is investigated promptly, in an impartial manner and to find a solution that is satisfactory to both the complainant and the Council.

#### 2. Definition of a complaint.

- 2.1 A complaint is any expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Parish Council 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, where the Parish Council does something the wrong way, fails to do something it should or does something it should not do. 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 information
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

- 2.3 What the complaints procedure will not deal with.

It will not be possible for the Council to deal all with all complaints from members of the public under this procedure. Where such complaints are outside the remit of this procedure, the following procedures/bodies should be engaged with to report/resolve a complaint:

Type of conduct	Refer to
Financial irregularity	Complaints about financial irregularity should be referred to the Council's auditor, the name and address of whom may be obtained from the clerk. (Local electors' right to object, Local Accountability Act 2014 Sections 26 and 27, The Accounts and Audit Regulations 2015 (SI 2015/234).
Criminal activity	The police
Councillor/member conduct	Swaffham Prior Parish Council have adopted a Code of Conduct ( <a href="http://www.swaffham-prior.co.uk/pc/finances/PC-code-of-conduct.pdf">http://www.swaffham-prior.co.uk/pc/finances/PC-code-of-conduct.pdf</a> ) to which all members of the Parish Council abide. A complaint alleging a breach of the Code of Conduct should be addressed to the Monitoring Officer of East Cambs District Council.

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Employee conduct	The Council operates alternative procedures to deal with grievances or disciplinary matters against staff. Complaints against a member of staff should be made in writing to the chair of Swaffham Prior Parish Council.
Complaints about a policy decision	Such complaints would be referred back to the Council for consideration.

### **3. Equal opportunities**

- 3.1 The Parish Council is committed to equal opportunities. Complaint feedback will be used to highlight discriminatory practices and to promote equality of opportunity.
- 3.2 Complaints by a member of the public of discrimination and/or harassment against the Parish Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

### **4. Stages of the procedure.**

- 4.1 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.
- 4.2 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 to be expected and are generally resolved quickly to the person's satisfaction.  
If someone is dissatisfied with the original service or response they receive and wish to take the matter further, then the issue should be recognised as a complaint.
- 4.3 Informal complaints.  
All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.  
An informal complaint may be made by telephone, email, in person or in writing to the clerk. If the complainant prefers not to put the complaint to the clerk, he/she/they should be advised to write to the Chair of the Parish Council.  
If a complaint is made to a councillor, it is their duty to notify the clerk or the Chair of the Parish Council immediately to avoid any delay in dealing with the complaint.  
The clerk or the chair will communicate directly with the complainant and will attempt to resolve the matter, ensuring the complainant feels satisfied that their complaint has been fully considered, taken seriously and acted upon accordingly. Every effort will be made to ensure that these matters are dealt with in a timely manner, by providing information, instigating an appropriate action or explaining a decision.  
If the clerk or chair cannot satisfy a complainant in an informal way, he/she/they will be invited to escalate the matter to a formal complaint.
- 4.4 Formal complaints.  
A complainant may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and want to take the matter further. This will be recorded

as a complaint and passed to the Parish Clerk to investigate. If the complainant does not want to put the complaint to the clerk, they should be advised to address the complaint to the chair of the Parish Council.

The complaint should be in writing and include:

- The name, address and telephone number and email address (where available) of the complainant.
- Details of the complaint
- How the issue affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement.
- What action the complainant believes will resolve their complaint.

Acknowledgement of receipt of the complaint will be made within 5 working days. On completion of the investigation, a response to the complaint will be issued to the complainant within 14 days; if investigation takes longer than this, regular progress reports will be issued every 14 days until the investigation is complete.

The complainant may be invited to a Parish Council meeting to enable discussion of the issue by the Council; if the issue is felt to be sensitive, the Council may resolve to exclude the press and public from that part of the meeting.

A decision /response will be given in writing to the complainant within 7 working days, including details of any actions to be taken where appropriate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

#### 4.5 Complaints Committee.

If the complainant is not satisfied with the response received, they should be advised of their right to have the complaint referred to the Complaints Committee.

The clerk shall inform the Chair of the Parish Council (or the Vice-Chair if the Chair is the subject of the complaint\_ and the Chair/Vice-Chair shall instruct the clerk to convene a meeting of the Complaints Committee within 10 working days.

The Complaints Committee shall comprise of a Chair (one appointed to the role by the Council); two other parish councillors appointed by the council who have not had previous involvement in the complaint or are referred to in the complaint and two independent people with an understanding of the workings of parish councils (such as councillors from neighbouring parishes). These last two will received £50 (or an appropriate sum/expenses to be agreed by the Parish Council) each for their time/expenses. There will also be a note-taker, nominated by the committee, who will also have no previous involvement in the complaint.

The outcome of all formal complaints dealt with by the Committee will be advised to the Council and to the complainant.

#### 4.6 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.

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These matters should be referred to the Parish Council by the clerk, with a summary of the issues and of the attempts to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken and will inform the complainant, making it clear that only new and substantive issues will merit a response.

4.7 Anonymous complaints

Anonymous complaints will be referred to the clerk and may be acted on at their discretion, according to the type and seriousness of the allegation.

**5. Resolutions and remedies.**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy. An explanation or apology will always be needed.

**Review:** Annual Meeting of the Parish Council – May 2023