



LAVENHAM PARISH COUNCIL

COMPLAINTS POLICY AND PROCEDURE

1. Introduction:

Lavenham Parish Council is committed to conducting its business and providing its services to as high a standard as possible. We encourage individuals to bring any perceived shortcomings to our notice so that we may:

- a) have the opportunity to resolve your issue
- b) learn from any mistakes so that they may be prevented in future
- c) review policies and procedures where necessary
- d) Improve our service to the community

2. Definitions of Communications between the Public and the Council:

It is important that the public are able to make their views known on local matters that are relevant and are the confirmed responsibility of the Council. This can be done by attending Council meetings and asking questions or making a statement.

However, the option of privately communicating with the Council is always available. Those private communications take many forms. For example, notifying Council of problems or complimenting the Council on a service improvement.

Sometimes the communication is a complaint. Complaints fall into two categories: informal and formal.

Examples of Informal Complaints:

“ the swing in the playground is dirty” or “the grass cutting has not been done for weeks”

Examples of a Formal Complaint:

“ I have said many times that 10 minutes for the Public to hold the Council to account is not long enough. I now want to register a Formal Complaint against Lavenham Parish Council that this should be increased”

“ I have raised with you on 4 occasions, the condition of the bus shelter and have not had a reply. I now want to make a Formal Complaint against Lavenham Parish Council”.

Examples of matters that cannot be considered as a complaint:

“ I don’t agree with Council policy on turning off street-lighting so please turn the light back on in my street only”. *This is a policy matter; concerns must be raised with Individual Councillors..*

“I do not agree with the decision to grant SOME ORGANISATION funds of £x so cancel this please” *This is a policy matter; concerns must be raised with Individual Councillors.*

‘I am appalled by the number of potholes on the road to Sudbury’. *The maintenance of this road is a Suffolk County Council responsibility.*

3. Informal Complaints handled by the Parish Office

On receipt, the Clerk will determine whether the communication is a matter for the Council. On many occasions the issue is the responsibility of another agency.

The Clerk will aim to resolve the complaint informally in a timely manner. Council aims to acknowledge all correspondence within 5 working days and respond fully within 20 working days. Most complaints can be resolved quickly and amicably through this route.

In the event that the informal process does not resolve the matter, a Formal Complaint may be made to the Council.

4. Formal Complaints handled by the Parish Council

A complaint from a person, or their nominated representative, will be deemed to be Formal if it is one of the following:

- a) An expression of dissatisfaction about the failure to provide or meet the expected standard of a service over a lengthy period without explanation
- b) Neglect or delay in fully responding to a contact with the Parish Council within 20 days on 3 or more consecutive occasions
- c) Failure to observe the Parish Council's policies or procedures
- d) Discourteous or dishonest conduct by a member of staff

A Formal Complaint must be submitted to the Clerk or the Chair.

The complaint form must be used.

The Formal Complaint should cover as much detail as possible and enclose any relevant supporting documentation.

Once submitted, no further issues or comments can be added, new matters should be raised in a further formal complaint.

- a) The Clerk or Chair will aim to acknowledge receipt of the complaint, in writing, within 5 working days. The Council only employs one member of staff, there may be periods when the office is not covered, and so a response may take up to 20 working days.
- b) The Clerk, in consultation with the Chair (or in the absence of the Chair in consultation with the Vice-Chair) of the Parish Council, will ascertain the category of the complaint and take the relevant action detailed in Table 1.
- c) Immediately following b) above, the Complainant will be informed of the category under which the complaint falls and the action required.
- d) A category F complaint will be considered by a Complaints Panel at a Stage 1 Hearing which Council will aim to be held within 20 working days from the date of decision in b) above.
- e) The Council will assist the complainant as much as is reasonable with dates for a Stage 1 Hearing. If a Stage 1 Hearing cannot be conducted within 2 months, due to complainant availability, the Council will deem the complaint withdrawn. Should this occur, the complainant may present a new complaint at any point in the future.

Table 1

| | Complaint Category | Action |
|---|--------------------------|---|
| A | Criminal activity | The Clerk should refer the Complainant to the Police. |
| B | Councillor Conduct | A complaint against an individual Councillor is not covered by this Complaints Policy. See the 'Making a complaint about a Councillor' policy. Note the Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillors Code of Conduct, complaints that are about people employed by the Parish Council, incidents that happened before a member was elected or chose to serve on the Council, incidents that happened before the authority adopted its Code of Conduct, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides. |
| C | Employee conduct | As an internal disciplinary matter. The Complainant should contact the Chair this will be dealt with under the council's disciplinary procedures. A complaint against a member of the Council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the Council's employment. The Council, will not under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally against any member of staff. This is expressly to protect the employment rights to which all employees of the Council are entitled. |
| D | Planning Recommendations | The Council is a statutory consultee for all planning applications within the Parish and decides whether to recommend Approval or Refusal to the Local Planning Authority (LPA). There are strict timescales for comments on each application. The Parish Council will not respond to complaints on its recommendations for planning applications, as it is not the decision-making body and would not be able to offer a timely remedy or redress. |
| E | Council decisions | The Council recognises that there may be occasions when the public disagree with the consequence or impact of a decision reached by the Council. Decisions will vary from setting a precept through to frequency of grass cutting. The Council cannot investigate complaints about the content of its decisions as mostly they cannot be reversed. The Council will however, investigate complaints <i>of how it reached those decisions</i> which are covered in Category F. |
| F | Other | Complaints which are expressions of dissatisfaction about the Council's services or procedures and administration. These will be heard at stage 1 by the Panel. |

5. Category F Complaints Procedure

Stage 1

- a) The Complaints Panel [the Panel] shall be convened in private and comprise: the Chair, the Vice Chair and 2 Councillors, selected at the discretion of the Chair and Vice Chair working together.
- b) Should the Panel be tied in its recommendation the Chair will have a second 'casting' vote.
- c) The Clerk will be in attendance for the purpose of recording the discussion and providing advice to the Panel
- d) You will be invited to attend the meeting of the Panel and may bring with you a representative
- e) At least 14 working days before the meeting, you will need to provide Lavenham Parish Council with:
 - i. Copies of any documentation or other evidence which you may wish to refer to in the complaint or at the meeting.
 - ii. The identity of your representative.

The Clerk will provide you with copies of any Council documentation upon which it may wish to rely at least 7 working days before the meeting

- f) The following procedure will be followed:-
 - i. The Chair of the Panel will introduce everyone and the recording of the meeting will start.
 - ii. The Chair will explain the procedure
 - iii. You will be asked to outline the grounds of your complaint
 - iv. If relevant, the Clerk will explain Lavenham Parish Council's position
 - v. The Panel will then have the opportunity to question you and the Clerk
 - vi. You and the Clerk will have the opportunity to make a final statement
 - vii. You, the Clerk and your representative will be asked to leave the room and the recording will stop.
 - viii. The Panel will determine whether to recommend to uphold or not uphold your complaint and consider any other recommendations to the Parish Council.
 - ix. Should it be necessary for clarification of any point, both parties will be invited back.
 - x. You, your representative and the Clerk return to hear the recommendations, or to be advised when the recommendations will be made. The recording will be deleted when the decision is made.
- g) The recommendations will be an agenda item for decision at the next meeting of the Parish Council. The decision will be confirmed in writing within 10 working days together with details of any action to be taken. The decision will be delivered by hand or sent by email at the discretion of the Parish Council.
- h) If you disagree with the decision of the Council you may proceed to a Stage 2 Appeal to the Council setting out clearly in a written submission, reasons why the matter should be re-considered. These are known as grounds for an appeal and set out in Table 2.
- i) Appeals must be submitted to the Council within 10 working days of the written confirmation of the Council decision. An appeal submission must include all the relevant issues you want considered. It also must include reasons why you believe the Council decision is wrong. Reference should be made to where the Council has not followed adopted Council policy or procedure.

Table 2

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| 1 | Failure to consider and reference all evidence in Stage 1 decision |
| 2 | Failure to follow the procedure for Stage 1 |

Stage 2

- a) The Clerk will acknowledge receipt of your request for an appeal within 5 working days
The Council only employs one member of staff, there may be periods when the office is not covered, and so a response may take up to 20 working days.
- b) The Clerk will subsequently advise you when the matter will be put before Council. This will normally be within 20 working days of receipt of the appeal.
- c) Council meetings are held in public. You will be invited to attend the Council meeting and may bring with you a representative.
- d) The Stage 2 appeal to the Council will follow the same procedure as detailed in Stage 1 points c) to f)
- e) The Council will consider whether the nature of the complaint warrants the exclusion of the public and press from the whole of the procedure as detailed in Stage 1 point f). In any event the Public will be excluded from f) viii and not excluded from f) x. Decisions on an Appeal shall be final and announced at the Council meeting in public.
- f) The decision of the Council will be confirmed in writing within 10 working days together with details of any action to be taken. The decision will be delivered by hand or sent by email at the discretion of the Parish Council.
- g) At the conclusion of Stage 2 the Council's complaints procedure is exhausted. Whilst Parish Councils are the first tier of local government, they are distinct and separate entities from the local government process for managing complaints. This means there is no further route to pursuing a complaint.

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Document control

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