

**BROAD HINTON AND WINTERBOURNE BASSETT  
PARISH COUNCIL**

**COMPLAINTS POLICY AND PROCEDURE**

No Council is 100% perfect 100% of the time. The Council operates in a challenging environment and it is inevitable that from time to time mistakes will be made and the service will be less than perfect. The Council takes complaints about its service (whether the action taken or the service provided was by the Council itself or a person or body acting on its behalf) seriously and this policy sets out how to raise a complaint with the Parish Council. It is important that the Council's response to a complaint is proportionate and timely.

1. The complaints procedure applies to complaints about Council administration and procedures and may include complaints about how council employees have dealt with your concerns.
2. The complaints procedure does not apply to Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer, as these are dealt with under the Council's Disciplinary and Grievance Procedures.
3. Complaints against individual Councilors are covered by the Code of Conduct for Members adopted by the Council and if a complaint against a Councilor is received by the Parish Council the complainant will normally be advised to contact the Clerk. Further information on the process of dealing with complaints against Councilors may be obtained from the Monitoring Office within the relevant office of Wiltshire Council.
4. The Council may delegate authority to a Complaints Review Panel to consider and decide on complaint(s). Up to three members of the Council shall form a quorate Complaints Review Panel. The Panel will be convened by the Clerk after discussion with the Chairman. A legal or other technical advisor may be appointed to attend any hearing and provide the panel with advice within their expertise.
5. The handling and reporting of complaints shall be subject to the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). A complaint against a local council is personal to the complainant and shall be treated as confidential unless the complainant confirms that he/ she waives their right to confidentiality. A meeting of the Council or Complaints Review Panel considering a complaint or inviting the complainant to make representations shall normally exclude the public and press.
6. If repeated complaints are made where the Council has already investigated the matter under complaint (or something similar) and has concluded that the complaint is without substance, the Council will follow the Unreasonable Persistent and Vexatious Complaints Procedure.

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### **The following procedure will be followed for handling complaints:**

7. Complaints should always be directed through the Clerk, who is the Council's Senior Officer, not through individual Councillors. If the complaint is being raised against the Clerk, then the process detailed below should be followed but the Chairman of the Council should be informed instead of the Clerk.
8. Informal Complaint: It is hoped that most complaints can be resolved quickly and amicably. Informal complaints may be made to the Clerk by email or telephone. Complaints that are resolved informally will not usually be reported to the Council.
9. Formal Complaint: If an informal complaint about Council administration or procedure is notified and the Clerk cannot satisfy the complainant fully forthwith, the complainant shall be asked to put the complaint in writing to the Clerk (or the Chairman of the Council if the complaint is raised against the Clerk) using the Council's complaints form and be assured that it will be dealt with promptly. Once the Clerk has made this request the informal complaint is at an end. The Clerk will inform the Chairman who will appoint a Lead to the complaint agreed by the Council. The lead will then appoint a minimum of 2 other Councillors where the quorum of three forms the Complaint's Review Panel.'
10. A formal complaint can only be submitted in writing to the Council and it should be addressed to the Clerk, marked "Confidential - Formal Complaint". Although the Council encourages contact by email and telephone, a formal complaint is a serious matter, and consequently the Council will only accept formal complaints in writing which can be digital or physical. The Council's complaints form below must be used and information required on the complaints form must be provided.
11. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
12. Complaints will be acknowledged within 10 working days and dealt with or a response on progress provided within 30 working days of receipt.
13. On receipt of a written complaint that is not preceded by an informal complaint, the Clerk (or the Chairman of the Council if the complaint is raised against the Clerk) shall, except where the complaint is about his or her own actions, investigate and try to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her the opportunity to comment. Efforts should be made to resolve the complaint at this stage.
14. Where the Clerk receives a written complaint about his or her own actions he or she shall forthwith refer the complaint to the Chairman, or if the complaint is about the Chairman, to the Vice Chairman.
15. The Clerk or Chairman of the Council shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
16. The Clerk or Chairman of the Council shall refer any written complaint which has not been settled to a meeting of the Council's Complaints Review Panel. The Complaints Review Panel will investigate each complaint, obtaining further

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information as necessary from the complainant and/or from staff or members of the Council.

17. The complainant may be invited to a meeting with the Complaints Review Panel to make verbal representations and may bring a friend when doing so. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion. The complainant shall be invited to outline the grounds for complaint and panel members given the opportunity to ask questions of the complainant. The complainant (and friend) shall be asked to leave the room while the panel members decide whether to (i) uphold the complaint and what, if any, action shall be taken or (ii) dismiss the complaint . If a point of clarification is necessary, the complainant (and friend) may be invited back and in any case shall return to hear the decision or to be advised when the decision will be made.
18. The Complaints Review Panel's decision on a complaint shall be announced at the next Council meeting in public. The Panel 's decision shall not be reconsidered or debated by the Council when the decision is announced.
19. As soon as may be after the decision has been made (not later than 20 working days after the meeting), the decision and any action to be taken shall be communicated in writing to the complainant.
20. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary from Wiltshire Association of Local Councils or other appropriate professional organisation. The complaint shall be dealt with as soon as is practical by the Complaints Review Panel or at the next meeting of the Council after the advice has been received.

### **Parish Council Staff**

21. A formal complaint is a serious matter. A complaint involving a member of staff could result in disciplinary action
22. or in cases of gross misconduct dismissal from the Council's employment. The Council will not under any circumstances enter into correspondence or discussion with any complainant about any action taken, formally or informally, against a member of its staff. This is expressly to protect the employment rights to which employees of the Council are entitled.

This Complaints Policy and Procedure, which update any earlier version, were adopted by Broad Hinton and Winterbourne Bassett Parish Council at a special meeting held on 25<sup>th</sup> November 2020

Chairman:

Date:

**COMPLAINT FORM**

<p>Complaint form submitted by:</p> <p>Your full name, address, telephone and email contact details</p>	
<p>Confidentiality: Please state if the complainant wants the complaint to be treated confidentially</p>	
<p>Reason for complaint: (Please describe the issue in depersonalised objective terms. Provide sufficient detail for the Council to be able to understand the issue. Further detail may be provided on a separate page).</p>	