

# OLD MARSTON PARISH COUNCIL

## COMPLAINTS PROCEDURE

### 1. THE IMPORTANCE OF COMPLAINTS.

Occasionally members of the public may have complaints about the administration procedures, councillors or employees of Old Marston Parish Council. It is essential that complaints are dealt with positively. The parish council is anxious to hear people's comments and is committed to making full use of complaint 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 careful monitoring.

### 2. DEFINITION OF A COMPLAINT

2.1 A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the parish council, its councillors or its staff which affects an individual or group of people.

2.2 What the complaints procedure will deal with:

The complaints procedure will deal with matters of maladministration, that is the parish council doing something the wrong way, failing to do something it should do or doing something it should not do. It will also initially deal with complaints regarding councillors.

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/or unprofessional practice or conduct.

*(NB. complaints that a councillor has committed a breach of the council's code of conduct will be dealt with by the council's staffing and standards committee initially. The city council is the principal authority dealing with breaches of the code.)*

2.3 What the complaints procedure will **not** deal with:

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the parish council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- complaints about the substance of policy decisions made by the council.

### **3. EQUAL OPPORTUNITIES**

3.1 The parish council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

3.2 Complaints by members of the public of discrimination and/or harassment against the parish council will be dealt with through the complaint's procedure unless it is a complaint that should be dealt with through a statutory procedure.

### **4. COMPLAINTS OFFICER**

4.1 The Complaints Officer for the parish council is the clerk. His main duties are:

- (i) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- (ii) The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- (iii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- (iv) To identify improvement points arising from any complaints.
- (v) To identify staff training issues.

### **5. STAGES OF THE PROCEDURE**

5.1 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 the council to work within.

5.2 'Everyday' problems, queries and comments

The council may receive queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. Most are routine and are generally resolved quickly to the customer's satisfaction. However, if someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

5.3 Informal Complaint

During the course of daily business, minor complaints may be made to councillors or staff about the services we provide. These should usually be passed to the clerk to be dealt with as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

5.4 Formal Complaint (First Stage)

A person may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter

further. This will be recorded by the clerk as a complaint, he will investigate the matter and inform the complainant of the result.

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

Timescales:

Acknowledgement of complaint – as soon as possible by means of phone, email or letter, Investigation completed - 14 days - or Progress Reports Issued - 14 day intervals by investigating officer (the clerk)

#### 5.5 Review of Investigation and Complaint (Second Stage)

If the complainant is not satisfied with the clerk's response, they should be advised of their right to have the complaint referred to the standards committee who will review the complaint.

Timescales:

Response by the clerk - 14 days

Panel (if thought necessary, see below) - Convened within 14 days

Review completed - 14 days thereafter

Investigating Officer: Clerk

#### 5.6 Standards Committee

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to the standards committee consisting of the chairman of the council (or the vice-chairman if the complaint refers to the chairman), and 3 other councillors nominated by the full council to sit on the standards committee who are not subject to the complaint. There will also be a note-taker, nominated by the committee, who will not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the committee will be advised to the complainant and to the full council as soon as practicable.

#### 5.7 Unreasonable and Vexatious Complainants

There will be circumstances when a complainant persists in wishing to pursue a complaint which appears to have 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 clerk with a summary of the issues and of the attempts made to resolve the complaint. The clerk 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.

However, if the clerk decides a complainant is being habitual or vexatious then the Habitual or Vexatious Complainants Policy shall be applied.

#### 5.8 Anonymous Complaints

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

## 6. RESOLUTION 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 (the clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

## 7. CONTACTS

The Clerk: email [clerk@oldmarston-pc.gov.uk](mailto:clerk@oldmarston-pc.gov.uk) Telephone 01865 203 139

Address:

Old Marston Parish Council

8 Nicholas Avenue

Old Marston

Oxford OX3 0RN

Website: [www.oldmarston-pc.gov.uk](http://www.oldmarston-pc.gov.uk)

<b>Adopted:</b>	<b>Minute Reference</b>	<b>Signed by Chair</b>
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15 <sup>th</sup> May 2023	23/05/19	Duncan Hatfield
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