

UPTON & NORTH ELMSALL PARISH COUNCIL

COMPLAINTS PROCEDURE

1. Purpose of this procedure

1.1 Upton and North Elmsall Parish Council is committed to providing good quality, fair and accountable services to the local community.

1.2 The Council recognises that, from time to time, things may go wrong. When this happens, the Council will aim to deal with complaints properly, fairly and as quickly as possible.

1.3 This procedure explains how complaints about the Council's administration, procedures, services, actions or decisions will be handled.

1.4 The purpose of this procedure is to:

- make it clear how complaints can be made;
- ensure complaints are dealt with fairly and consistently;
- provide a clear process for considering complaints;
- help the Council learn from complaints and improve its services where appropriate.

2. What is a complaint?

2.1 A complaint is an expression of dissatisfaction about the Council's actions, lack of action, standards of service, procedures or administration.

2.2 Examples of complaints covered by this procedure may include:

- failure to provide a service to an appropriate standard;
- delay in responding to correspondence or enquiries;
- failure to follow the Council's agreed policies or procedures;
- dissatisfaction with the way a matter has been handled by the Council;
- concerns about the conduct of Council employees when carrying out Council business.

2.3 A complaint does not have to use the word "complaint" to be treated as one.

3. Matters not covered by this procedure

3.1 This procedure does not apply to every type of complaint or concern. Some matters must be dealt with under separate procedures or by other bodies.

3.2 This procedure does **not** apply to:

Type of issue	How it will be dealt with
Complaints about the conduct of a Parish Councillor	These must be referred to the Monitoring Officer at Wakefield Metropolitan District Council, who deals with Code of Conduct complaints.
Complaints by Council employees about employment matters	These will be dealt with under the Council's internal employment, grievance or disciplinary procedures.

Type of issue	How it will be dealt with
Complaints about Council employees from other employees	These will be dealt with under the Council's internal employment procedures.
Requests for information under the Freedom of Information Act, Environmental Information Regulations or data protection legislation	These will be dealt with under the relevant statutory information request process.
Data protection complaints	These will be dealt with under the Council's data protection procedures. If unresolved, the complainant may contact the Information Commissioner's Office.
Allegations of financial irregularity	These may need to be referred to the Council's internal auditor, external auditor, or other appropriate authority. Local electors also have statutory rights in relation to the Council's accounts.
Allegations of criminal activity	These should be referred to the Police.
Matters involving legal proceedings, threatened legal proceedings or insurance claims	These may need to be handled through the Council's legal advisers or insurers.
Anonymous complaints	These will not normally be investigated unless the Council considers that there is a clear public interest or safeguarding reason to do so.
Repeat, unreasonable or vexatious complaints	These may be dealt with under the Council's Vexatious or Unreasonable Complaints Policy.
Disagreement with a properly made Council decision	A complaint cannot be used simply because someone disagrees with a lawful Council decision. However, a complaint may be considered if the concern is about the way the decision was reached.

4. Informal resolution

4.1 Where possible, the Council will try to resolve concerns informally and at the earliest opportunity.

4.2 Many concerns can be resolved quickly by the Clerk, for example by providing information, explaining a decision, correcting an error, arranging a service response or apologising where appropriate.

4.3 If the matter cannot be resolved informally, or if the complainant wishes the matter to be treated as a formal complaint, the formal procedure below will apply.

5. How to make a formal complaint

5.1 A formal complaint should normally be made in writing to the Parish Clerk.

5.2 Complaints may be submitted by letter or email. The complainant should include:

- their name and contact details;
- details of the complaint;
- relevant dates, times and locations;
- copies of any supporting documents or evidence;

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- details of what outcome or remedy they are seeking.

5.3 If the complaint is about the Parish Clerk, the complaint should be addressed to the Chair of the Council.

5.4 If a complainant needs help to put their complaint in writing, they may contact the Council to discuss reasonable adjustments or alternative arrangements.

5.5 Complaints should normally be raised within **six months** of the issue arising, unless there is a good reason for the delay.

6. Acknowledging the complaint

6.1 The Council will normally acknowledge a formal complaint within **five working days** of receipt.

6.2 The acknowledgement will confirm:

- that the complaint has been received;
- who will be dealing with it;
- whether any further information is needed;
- the expected timescale for a response;
- whether the matter falls within this procedure.

6.3 If the complaint does not fall within this procedure, the complainant will be told why and, where possible, directed to the correct process or organisation.

7. Confidentiality and data protection

7.1 Complaints will be handled confidentially as far as possible.

7.2 Information about a complaint will only be shared with those who need to know in order to investigate or respond to the complaint.

7.3 The Council may need to disclose information where required by law, where necessary to obtain professional advice, or where necessary to protect the Council's position.

7.4 Complaint records will be stored securely and retained in accordance with the Council's Data Retention and Disposal Policy.

8. Investigation and initial response

8.1 The Clerk will usually investigate complaints made under this procedure.

8.2 If the complaint concerns the Clerk, the Chair of the Council will arrange for the matter to be referred to the Council, or to a committee or panel appointed by the Council for that purpose.

8.3 The person dealing with the complaint may:

- review Council records, correspondence, minutes, policies and procedures;
- speak to employees, councillors or third parties where relevant;
- ask the complainant for further information;
- seek professional advice where necessary.

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8.4 The Council will normally aim to provide a written response within **20 working days** of acknowledging the complaint.

8.5 If more time is needed, the complainant will be informed of the reason for the delay and given a revised timescale.

8.6 The written response will explain:

- what has been considered;
- whether the complaint is upheld, partly upheld or not upheld;
- the reasons for the decision;
- any action the Council proposes to take;
- what the complainant can do if they remain dissatisfied.

9. Consideration by the Council or a Complaints Panel

9.1 If the complaint cannot be resolved by the Clerk, or if the complaint concerns the Clerk, the matter may be referred to the Council or to a Complaints Panel appointed by the Council.

9.2 A Complaints Panel will usually consist of three councillors who have not had direct involvement in the matter complained about.

9.3 The Council or Complaints Panel may decide to hold a meeting to consider the complaint.

9.4 Where a complaint is considered at a meeting, the Council or Complaints Panel may resolve to exclude the press and public where publicity would be prejudicial to the public interest due to the confidential, personal, legal or employment nature of the business to be discussed.

9.5 The complainant may be invited to attend the meeting and may be accompanied by a friend, relative or representative.

9.6 The meeting will usually follow this format:

- the Chair explains the procedure;
- the complainant explains their complaint;
- members may ask the complainant questions;
- the Clerk or relevant officer explains the Council's position;
- members may ask questions;
- both sides may summarise their position;
- the complainant and any officers involved may be asked to leave while the matter is considered;
- the Council or Complaints Panel reaches a decision.

9.7 The Council or Complaints Panel may decide to:

- uphold the complaint;
- partly uphold the complaint;
- not uphold the complaint;
- request further information before reaching a decision;
- recommend changes to Council procedures, services or policies;
- take any other action considered appropriate.

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9.8 The outcome will normally be confirmed in writing within **five working days** of the meeting.

10. Possible outcomes and remedies

10.1 Where a complaint is upheld or partly upheld, the Council will consider what action is appropriate.

10.2 This may include:

- an apology;
- an explanation;
- correction of an error;
- review of a procedure or policy;
- staff training or guidance;
- changes to administrative processes;
- referral to another body or procedure where appropriate.

10.3 The Council will not usually consider financial compensation unless there are exceptional circumstances and appropriate legal or insurance advice has been obtained.

11. Appeals or further review

11.1 If the complainant remains dissatisfied with the outcome, they may request a review.

11.2 A request for review must be made in writing within **10 working days** of the date of the Council's response and must explain why the complainant believes the matter has not been properly dealt with.

11.3 A review will not normally reconsider the whole complaint from the beginning. It will consider whether:

- the procedure was followed properly;
- relevant information was considered;
- the decision reached was reasonable;
- any further action is appropriate.

11.4 The review will be carried out by the Council or by councillors who were not involved in the original decision, where possible.

11.5 The outcome of the review will normally be final under the Council's internal complaints procedure.

11.6 If the complainant remains dissatisfied after the Council's process has concluded, they may wish to seek independent advice.

12. Unreasonable, persistent or vexatious complaints

12.1 The Council will treat complainants fairly and with respect.

12.2 The Council also expects complainants to behave reasonably when using this procedure.

12.3 Where a complainant acts in a way that is unreasonable, abusive, persistent or vexatious, the Council may manage contact under its Vexatious or Unreasonable Complaints Policy.

12.4 This will not prevent the Council from considering a genuine new complaint, but it may affect how the Council communicates with the complainant.

13. Learning from complaints

13.1 The Council will use complaints as an opportunity to learn and improve.

13.2 Where appropriate, complaint outcomes may be reported to Council in a way that protects personal and confidential information.

13.3 The Council may review its policies, procedures, services or working practices as a result of complaints received.

14. Contact details

Formal complaints should be sent to:

The Parish Clerk

Upton and North Elmsall Parish Council
The Village Hall
Harewood Lane
Upton
WF9 1JB

Email: clerk@uptonandnorthelmsall-pc.gov.uk

If the complaint is about the Parish Clerk, the complaint should be addressed to:

The Chair of Upton and North Elmsall Parish Council

c/o The Parish Clerk
Upton and North Elmsall Parish Council
The Village Hall
Harewood Lane
Upton
WF9 1JB

Email: clerk@uptonandnorthelmsall-pc.gov.uk