

COMPLAINTS POLICY

DRAFT FOR ADOPTION

Cornsey Parish Council is committed to providing a fair and effective service to the community. The Council welcomes feedback and will seek to resolve complaints promptly, fairly and proportionately.

A complaint is an expression of dissatisfaction about the Council's actions, lack of action, administration, procedures or the standard of a service provided by or on behalf of the Council.

This policy explains how complaints about the Council will be considered and resolved.

1. Scope

This procedure applies to complaints about the administration, procedures, actions or services of Cornsey Parish Council.

It does not apply where another statutory or separate procedure is more appropriate, including:

- allegations that a councillor has breached the Council's Code of Conduct
- employee disciplinary or grievance matters
- Freedom of Information or Environmental Information requests and reviews
- data protection complaints which fall within the Council's data protection procedures
- allegations of criminal conduct
- matters subject to legal proceedings or another statutory appeal or review process

Where a complaint falls outside this policy, the complainant will, where possible, be advised of the appropriate procedure or organisation to contact.

2. Making a Complaint

Complaints should normally be made in writing, including by email, and addressed to the Clerk to the Council.

Where a complaint concerns the Clerk, it should be addressed to the Chair of the Council.

A complaint should explain what has happened, why the complainant is dissatisfied and what they would like the Council to do to resolve the matter. Any relevant supporting information should also be provided.

Where someone has difficulty making a complaint in writing, the Council will provide reasonable assistance to enable their complaint to be recorded.

Complaints should normally be made within six months of the matter complained about, or within six months of the complainant reasonably becoming aware of it. The Council may consider an older complaint where there is good reason to do so.

The Council will normally acknowledge a complaint within five working days.

3. Stage 1 - Informal Resolution

The Clerk will seek to resolve the complaint directly with the complainant wherever possible.

Where the complaint concerns the Clerk, this will be undertaken by the Chair or another councillor nominated by the Council.

The aim at Stage 1 is to establish what has happened and resolve the matter without formal consideration where possible. This might include providing an explanation, correcting an error, taking appropriate action or offering an apology where appropriate.

The Council will normally respond within 20 working days. If more time is required, the complainant will be told why and when a response is expected.

The Clerk will maintain an appropriate record of complaints and their outcomes. Significant or recurring issues may be reported to the Council so that any necessary improvements can be considered, with appropriate regard to confidentiality.

4. Stage 2 - Formal Consideration

If the complaint cannot be resolved at Stage 1, or the complainant remains dissatisfied, they may ask for it to be considered formally.

The complaint will normally be considered by the Full Council, or by a committee or panel appointed by the Council where appropriate.

A councillor or officer who is directly involved in the subject of the complaint should not take part in determining it, other than where necessary to provide information or answer questions.

Before the Meeting

The complainant will be invited to attend the meeting and may bring a representative if they wish.

At least seven clear working days before the meeting, the complainant should provide copies of any documents or other evidence on which they wish to rely.

The Council will similarly provide the complainant with any documents upon which it intends to rely, allowing sufficient time for them to be considered before the meeting.

The complainant will be advised how the complaint will be considered and whether any part of the meeting is likely to be held without the press and public present because confidential or personal information will be discussed.

At the Meeting

The Chair will introduce those present and explain the procedure.

The complainant, or their representative, will be invited to explain the grounds of the complaint and answer relevant questions.

The Clerk, or another person nominated to present the Council's position, will then be invited to respond and answer relevant questions.

Both parties will be given an opportunity to summarise their position.

The complainant and the person presenting the Council's position will then leave the meeting while the Council, committee or panel considers its decision. If clarification is required, both parties should be invited back.

The Council will consider whether the press and public should be excluded from any part of the meeting in accordance with the applicable legal requirements.

After the Meeting

The decision and details of any action to be taken will normally be confirmed to the complainant in writing within 10 working days.

The Stage 2 decision concludes the Council's complaints procedure.

5. Confidentiality and Data Protection

Complaints will be handled with appropriate regard to confidentiality and data protection.

Information will only be shared where necessary to investigate, consider or resolve the complaint, or where disclosure is otherwise required by law.

Where a complaint is considered at a Council meeting, the Council will consider whether the press and public should be excluded from any part of the meeting because confidential information is to be discussed.

The Council will avoid publishing unnecessary personal information when recording or reporting the outcome of a complaint.

6. Anonymous Complaints

Anonymous complaints may be considered where there is sufficient information to investigate the matter.

In deciding whether to investigate, the Council may take account of the seriousness of the issue, the evidence provided and whether there is a wider public interest in doing so.

7. Repeated or Unreasonable Complaints

Where a complaint has been fully considered under this procedure, the Council will not normally reconsider the same matter unless significant new information is provided.

The Council may take reasonable and proportionate steps to manage communications which are abusive, threatening, excessively repetitive or place an unreasonable demand on the Council's resources.

Any such arrangements will not prevent genuinely new matters from being raised.

8. Complaints About Councillors

Complaints alleging that a councillor has breached the Council's Code of Conduct are not dealt with under this procedure and should be made to the Monitoring Officer at Durham County Council.

A complaint about a decision, action, service or administration of Cornsay Parish Council does not become a Code of Conduct complaint simply because one or more councillors were involved in making the Council's decision.

9. Freedom of Information and Environmental Information

Complaints about the handling of requests under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 are dealt with separately from this procedure.

A person dissatisfied with the handling of an information request may request an internal review in accordance with the relevant legislation and guidance issued by the Information Commissioner's Office.

Where possible, the review should be undertaken by someone who was not responsible for the original decision.

A requester who remains dissatisfied following an internal review may complain to the Information Commissioner's Office.

10. Conclusion of the Procedure

The decision at Stage 2 represents the conclusion of the Council's complaints procedure.

This does not affect any statutory rights or other remedies which may be available to a complainant.

Where another organisation has responsibility for the matter, the Council will, where appropriate, provide information about the relevant organisation or procedure.

11. Review

This policy will be reviewed periodically and updated where changes in legislation, guidance or the Council's experience indicate that this is necessary.

The Council will use complaints, where appropriate, to identify opportunities to improve its procedures and services.