

## **Kirk Langley Parish Council**

### **Complaints Procedure**

#### **Our Commitment**

We are committed to providing the best possible service; however, sometimes things can go wrong. When they do, we need to know so that we can put them right and learn for the future.

We aim to:

- Make it easy for you to contact us about any issues;
- Listen and work with you on further action to resolve your issue;
- Solve problems at an early stage;
- Prevent problems from happening again;

#### **What Constitutes a Complaint which will engage this policy?**

A complaint is an expression of dissatisfaction about something the council has done or failed to do, which cannot be resolved informally. The initial reporting of a problem within the parish upon which you feel the Council should take action is not a complaint which engages this policy.

Complaints should focus upon the following:

- Things you think we should have done or have not done following the report of an issue;
- The actions of our Clerk or contractors and agents who work on our behalf.

#### **What is a Complaints Procedure?**

Our complaints procedure describes the way we deal with you when you are dissatisfied with our performance and/or conduct. We aim to handle most problems informally; but where this is not possible or practical, or you remain dissatisfied, we have a formal 2-stage procedure.

#### **What can be expected?**

Our complaints procedure will ensure the process is:

- Publicised and well documented;
- Easy to understand and use;
- Helpful and receptive, not adversarial;
- Objective and based on clear procedures;
- Capable of putting things right where necessary;
- Sensitive to the needs and circumstances of the complainant;
- Adequately resourced and fully supported by the elected parish councillors and

officers;

- Regularly analysed to spot patterns of complaint and lessons for service improvement.

### **Complaints versus concerns**

- Complaints can be resolved formally, through this procedure, or informally, depending on the complainants' choice.
- A concern can be defined as an expression of worry or doubt for which reassurance is sought or bringing a matter to the attention of the Parish Council.
- Any complaint or concern will be taken seriously whether formally or informally and the appropriate procedure will be followed.

### **How to Initiate a Complaint**

Verbal complaint- initial complaints should be made verbally, in person, or by telephone or email, to the Clerk of the Council. Contact details are on the website.

A verbal complaint will normally be dealt with directly by the Clerk, or their nominated representative.

You may make a complaint to a Councillor if you wish, although a Councillor has no authority to act as an individual and must refer the matter to the Clerk.

Written complaint - should you need to register a written complaint where a verbal complaint has failed, or the matter is more complex, or serious please write to or email the Clerk and include any information you wish to provide to support your complaint. If your complaint is about the Clerk, the report should be made to the Chair of the Council. In this instance, the complaint should be sealed and addressed to the Chair of the Council and clearly marked "Council Chair- Private and Confidential".

Ordinarily, written complaint will be recorded in the council's minutes, once they are resolved. However, certain sensitive issues, may be legislatively exempt from publication.

The way in which a complaint is handled is then also dependent on the nature and specifics of each case. The table overleaf summarises how different types of written complaint may be handled by the council.

Nature of the complaint	How to complain	Who to complain to	Who will deal with your complaint
<p>Council</p> <ul style="list-style-type: none"> <li>• Processes</li> <li>• Procedures</li> <li>• Services</li> </ul> <p>(not a complaint about the Clerk)</p>	<p>Report to the Clerk, by telephone, email or by letter</p>	<p>The Clerk or Councillor -who will pass it on to the Clerk</p>	<p>You will receive a written reply from the Clerk and if unable to provide a full reply immediately, will provide a timescale for a response. The matter may have been debated by the council at a council meeting; if so, the Clerk's response will be based on the decision of the council.</p>
<p>Financial irregularity</p>	<p>Report to the Clerk, by telephone, email or by letter.</p>	<p>The Clerk or councillor -who will pass it on to the Clerk.</p>	<p>The Clerk/Responsible financial officer of the council will provide an explanation, where possible. If you are not satisfied you can report the matter to the External Auditor:-</p> <p><b>PFK Littlejohn</b>  <b>02075162200</b>  <b>15 Westferry Circus</b>  <b>London E14 4HD</b></p>

<p>Conduct of Clerk/Responsible Financial Officer</p>	<p>Report to the Chair of The Council, details are available on the website and noticeboard</p>	<p>The report to the Chair should be sealed and marked private and confidential.</p>	<p>The complaint may be resolved or escalated and be treated as an internal disciplinary matter to be dealt with under the council's employee disciplinary procedure. In the event that the matter escalates, the council will provide a copy of the disciplinary procedure on request but will not be able to advise you of the outcome due to the need for employer-employee confidentiality.</p>
<p>Criminal activity</p>	<p>Through the police reporting process.</p>	<p>The Police</p>	<p>The Police. Depending on severity the matter may go to court.</p>
<p>Conduct of a Councillor.</p>	<p>This type of complaint needs to be referred in writing to Amber Valley Borough Council as the principal authority, as the council has no power to investigate the conduct of one of its own elected and co-opted members.</p>	<p>The Monitoring Officer at Amber Valley Borough Council</p>	<p>The Monitoring Officer. Matters may be lengthy if an investigation is undertaken. The matter may be referred for consideration by the Local Standards Committee</p>

## **How the Formal 2-stage Complaints Procedure Operates**

### **Stage 1:**

We will send you a written acknowledgement of your complaint within 5 working days. This will tell you who will be dealing with your complaint and the timeframe for investigation if necessary. We will ask you whether you wish to make verbal representation to the council and whether you wish to be accompanied. We will tell you what will happen next. You must tell us, at the outset, if you want your complaint to be treated confidentially. If so, we will comply with our obligations under the Data Protection Act 2018. Your complaint will be investigated with the aim to resolve it as soon as possible. We aim to respond within 10 working days at this stage; however, if we need longer to investigate, we will advise you of the timescale.

### **Stage 2:**

If you are dissatisfied with the Stage 1 response you can ask for your complaint to move to Stage 2. This is an independent investigation by someone, nominated by the Clerk, unconnected with the complaint concerned. If your complaint is in connection with the Clerk, the investigation will be carried out by the Chair. At Stage 2 we aim to complete the investigation process within 20 working days from the date the statement of complaint is received. More complex complaints may take longer. We will let you know if we need longer to respond.

### **The outcome of your appeal**

The outcome may be that your appeal is dismissed or upheld in whole or in part. The appeal body will decide on appropriate action to take and recommend changes to prevent recurrence if applicable. Their decision will be final and will be communicated to you in writing.

### **Record Keeping**

A record will be taken of your appeal and will be kept for 7 years.