



COMPLAINTS PROCEDURE

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Version3.0

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Amended by: -

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COMPLAINTS PROCEDURE

1. The Importance of Complaints

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and is committed to making full use of complaints 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 detailed 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 Council or its staff which affects an individual customer or group of customers.*
- 2.2 What the complaints procedure will deal with:

The complaints procedure will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something it should not do. 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 unprofessional practice or conduct.

- 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 Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- Complaints about an individual Councillor's conduct or behaviour – these should be raised with West Lindsey District Council Monitoring Officer, as a potential breach of the Council's adopted Code of Conduct.
- Complaints about alleged financial irregularity – local electors have a statutory right to inspect a Council's accounts at any time, or object to audited accounts.
- Complaints about alleged criminal activity – these should be referred to the Police.

3 Equal Opportunities

- 3.1 The 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 Council will be dealt with through the complaints 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 Council is the Clerk. Their main duties are:
 - i. The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
 - ii. To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant timescales.
 - iii. To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
 - iv. To identify improvement points arising from any complaints.
 - v. To identify staff training issues.

5 Complaints 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 officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.
- 5.2 Complaints must be submitted through the Parish Office and not through individual Councillors. A complainant may advise a Councillor of the details of the complaint, but individual Councillors are not authorised to resolve complaints, unless so delegated by Council resolution.
- 5.3 **Everyday problems, queries and comments**
The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction. 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.
- 5.4 **Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer 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.

5.5 Formal Complaint (First Stage)

A customer 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 as a complaint and passed to the Clerk to investigate.

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

Timescales
Acknowledgement - by return of post
Investigation completed - 14 days
or Progress Reports Issued – 14-day intervals
Investigating Officer: Clerk

5.6 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 Councillors' Panel who will review the complaint.

Timescales
Response by the Clerk - 14 days
Panel (if thought necessary) - Convened within 14 days
Review completed - 14 days thereafter
Investigating Officer: Clerk

5.7 Councillors' Panel

If the issue still remains unresolved, the complainant should be notified of their right to have the matter referred to a panel consisting of the Chairman (or the Vice-Chairman if the complaint refers to the Chairman), and two other Councillors appointed by the Council who have not had previous involvement with the complaint or are referred to in the complaint.

There will also be a note-taker, nominated by the panel, who will also not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the panel will be advised to the Council.

5.8 Unreasonable, Repeated or Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis; where the complaint is made in a way that appears to be obsessive, harassing or repetitious; 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.

Such complaints will require a disproportionate amount of resources and the complainant can sometimes act in a manner that is unacceptably stressful for officers. Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable, or which has the effect of intimidating or harassing officers.

A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.

A complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council, giving the reason and scope. This will be confirmed in writing to the complainant, making it clear that only new and substantive issues will merit a response.

5.9 Anonymous Complaints

Anonymous complaints should be referred to the Clerk, and may be acted on at their discretion, according to the type and seriousness of the allegation. The Council will not acknowledge or consider, under any circumstances, serious complaints that are submitted anonymously.

5.10 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.

6. REVIEW

A review of this policy shall be undertaken each year (or as appropriate) and necessary amendments will be undertaken by the Clerk and reported to Full Council for approval.

7. CONTACT DETAILS

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