



DEALING WITH COMPLAINTS POLICY

As adopted at a meeting of Meppershall Parish Council on 13th September 2021

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DOCUMENT CONTROL

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DOCUMENT AMENDMENT HISTORY

Revision No.	Originator of change	Date of change	Change Description
v1.0	Clerk	13/09/2021	Policy creation

1. INTRODUCTION AND SCOPE

- 1.1. Following the introduction of the Freedom of Information Act, the public and press have a right to make requests for information held or owned by Meppershall Parish Council (MPC). Such requests will be processed using our Freedom of Information Policy and Complaints Procedure as appropriate.
- 1.2. A complaint is an expression of dissatisfaction about MPC's action or lack of action or about the standard of service, whether the action was taken or the service provided by MPC itself or a person or body acting on behalf of MPC.
- 1.3. A complaint against MPC may also be triggered by an allegation of administrative fault such as not following procedures or Standing Orders, inadequate service, no service, delay or making a mistake.
- 1.4. This policy is aimed at those situations where a complaint has been made about the administration of MPC or about its procedures. It is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.
- 1.5. When a complaint is made against MPC, Member(s) of the Council (councillors) or the Clerk are likely to be mentioned or complained about. A complaint against MPC members or employees will be treated as a complaint against the body corporate of MPC, not as a complaint against individual employees or Member(s) of MPC.
- 1.6. The Complaints Procedure sets out an efficient and transparent process for dealing with complaints received by establishing a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to MPC from other bodies.
- 1.7. The Complaints Procedure seeks to ensure that the complainant feels satisfied that their complaint has been properly and fully considered.
- 1.8. At all times, the rules of natural justice will apply, all parties will be treated fairly, and the process will be reasonable, accessible and transparent.

2. REGISTERING A COMPLAINT

- 2.1. All formal complaints against MPC must be communicated in writing and sent to the Clerk. Where possible complainants should use the form provided by MPC.
- 2.2. The complaint must include the following:
 - 2.2.1. Name of the Complainant. Anonymous complaints will be disregarded.
 - 2.2.2. Address of the Complainant.
 - 2.2.3. Telephone number and/or email address of the complainant.
 - 2.2.4. Details of the complaint.
 - 2.2.5. Confirmation whether the complainant wishes the complaint to be treated confidentially. Please note that if the complainant waves confidentiality, MPC must still comply with its obligations under the Data Protection Act 2018 in order to safeguard against the unlawful disclosure of personal data.

- 2.3. If the complaint concerns the Clerk, complainants will be advised to address their complaint to the Chairman of MPC.
- 2.4. Members of MPC sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and sent to the Monitoring Officer at Central Bedfordshire Council. Contact details are:
 - 2.4.1. Website: www.centralbedfordshire.gov.uk
 - 2.4.2. Email: monitoring.officer@centralbedfordshire.gov.uk
 - 2.4.3. Address: Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
- 2.5. If a complaint made to a Councillor, it is their duty to notify the Clerk or Chairman of the Council at the earliest opportunity. The Councillor should request the complainant make any complaint, in writing to the Clerk of the Council.

3. HOW THE COMPLAINT WILL BE HANDLED

3.1. Receipt of Complaint

- 3.1.1. On receipt of a written complaint, the Clerk or Chairman will seek to settle the complaint directly with the Complainant by explaining the Parish Council's position, if this is appropriate. Attempts will be made to resolve the complaint informally at this stage.
- 3.1.2. If the complaint cannot be dealt with informally the Clerk or Chairman, shall within seven days of receipt of the complaint advise the Complainant in writing:
 - 3.1.2.1. That the complaint has been received.
 - 3.1.2.2. Who is responsible for dealing with the complaint.
 - 3.1.2.3. How it will be dealt with and if it is to be treated as confidential.
 - 3.1.2.4. When the complaint is likely to be dealt with.
- 3.1.3. Occasionally it might be necessary for MPC to notify their insurer of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss (e.g.: in respect of libel) or where MPC is at risk of being held liable to pay damages or to provide another legal remedy. It is important that in these circumstances MPC takes instruction from its insurers as to how to respond to the complaint.
- 3.1.4. To ensure compliance with its obligations in the Data Protection Act 2018, MPC cannot disclose the identity, contact details or other personal data about an individual complainant unless they consent, or disclosure is otherwise fair and lawful under the Data Protection Act 2018 e.g. For the purpose of discharging MPC's functions, or for the performance of contractual obligations. MPC will ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to an individual complaint. The complaint will be treated in confidence and the identity of the complainant will only be made known to those in the Council who need to consider the complaint.

3.2. Employee Complaints

- 3.2.1. Complaints about MPC employees will be dealt with as an employment matter by the MPC Personnel Committee. They will be investigated and dealt with under the appropriate MPC HR policy. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from MPC's employment. The matter will be dealt with internally to protect the employment rights to which employees of MPC are entitled.
- 3.2.2. Employees will be formally advised of the matter and given an opportunity to comment.
- 3.2.3. The complainant will be informed of action(s) taken.

3.3. Other complaints

- 3.3.1. In certain circumstances, procedures/bodies other than MPC may be more appropriate for consideration of the following types of complaint:
 - 3.3.1.1. Financial irregularity - statutory right to object to Council's audit of accounts under S.16 Audit Commission Act 1998.
 - 3.3.1.2. Criminal activity - the Police.
- 3.3.2. In these circumstances the Complainant will be advised to contact the relevant body.

3.4. MPC valid complaints

- 3.4.1. A Complaints Committee comprising of three Parish Councillors will deal with all other complaints.
 - 3.4.1.1. The Complaints Committee will appoint its own Chairman.
 - 3.4.1.2. The decisions made at any meeting of the Complaints Committee will be reported to the next Parish Council meeting.
 - 3.4.1.3. If the Clerk is putting forward the justification for the action or procedure complained of, they should not pre-advise MPC members, or the Complaints Committee.

3.5. Investigation

- 3.5.1. The relevant committee, or upon request the Clerk, will investigate the complaint, collate evidence and will provide a written report outlining the complaint investigation and its findings.
- 3.5.2. A complaint may be processed by MPC exclusively through written communication. However if the MPC Complaints Committee want to offer the complainant an opportunity to make verbal representations this will be carried out in accordance with 3.6 below.

3.6. Complaint Meeting

- 3.6.1. The complainant shall be invited in writing to attend a complaints meeting and bring with them such representation as they wish.
- 3.6.2. At least seven clear working days prior to the meeting, the complainant shall provide MPC with copies of any documentation or other evidence relied on.

- 3.6.3. Within two working days of the evidence from the complainant being received the Council shall provide the complainant with copies of any documentation upon which it wishes to rely at the meeting including the investigation report.
- 3.6.4. The meeting shall be administered by the Clerk, a member of the Council, or an appointed independent Clerk who has not investigated or been involved with the complaint.
- 3.6.5. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next MPC meeting in public.
- 3.6.6. At the meeting:
 - 3.6.6.1. The Chairman to introduce everyone.
 - 3.6.6.2. The Chairman to explain the procedure.
 - 3.6.6.3. The complainant (or representative) should outline the grounds for complaint.
 - 3.6.6.4. Committee Members to ask any questions of the complainant.
 - 3.6.6.5. The Clerk to explain MPC's position and the findings of the investigation.
 - 3.6.6.6. Committee Members to ask any questions of the Clerk.
 - 3.6.6.7. The Complainant and then the Clerk to be offered the opportunity to summarise their position.
 - 3.6.6.8. The Complainant (together with their representative or anyone accompanying them) and the Clerk to be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
 - 3.6.6.9. The Clerk and the Complainant return to hear the decision together with the reasons for the decision, or to be advised on the timescale of any necessary further investigations and when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.
- 3.7. Notification of decision letter
 - 3.7.1. The Complainant will be notified of a decision in writing by first class post within seven working days of a decision being made or after the Complaint Meeting.

4. RIGHT OF APPEAL

- 4.1. The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.

5. HABITUAL AND VEXATIOUS COMPLAINTS

- 5.1. There will be circumstances when a Complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when MPC 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 will be referred to the Parish Council by the Clerk according to the MPC Dealing with Habitual or Vexatious Complaints Policy.

APPENDICES 1 – MPC COMPLAINTS FORM

This form can be completed and sent by email to clerk@meppershall.org or chairman@meppershall.org or printed and posted to Meppershall Parish Council c/o 30 Cherry Trees, Lower Stondon, Beds, SG16 6DT. You do not have to use this form to make your complaint but it will help us deal with your issue(s) as promptly as possible if you do. If you prefer, you can make your complaint in writing e.g. letter, or email. MPC May also use this form to log your complaint.

Complainant Name:	
Complainant Organisation:	

Date:	
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Address:	
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Email Address:	
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(At least one of the above (address or email) must be provided for contact purposes)

Telephone Nos: (optional)	
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Detail of the complaint, including relevant events, dates, names of relevant members, staff or contractors of the council etc.:		

Do you want this complaint to be treated as confidential? Please circle	YES	NO
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Received by:	
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