



Huntington Parish Council

Complaints Procedure

POL_107



Contents

1. Introduction	3
2. THE COMPLAINTS PROCEDURE	3
3. The Stages of the Complaints Procedure	4
4. The Recording of Complaints	5
5. Monitoring of Complaints	5
6. Time Limits	6
7. Redress Options	6
8. Special Cases	7
9. Anonymous Complaints	7
10. Summary	7
11. Comments and Compliments	7
The Comments and Compliments Procedure	7
Update Record	8



1. Introduction

- 1.1 As part of its ongoing commitment to serving its customers in the most efficient way that it can, and in response to the good practice guidance produced by the Commission for Local Administration in England on running a Complaints System, Huntington Parish Council has reviewed its formal procedures for dealing with complaints. Good practice used by other local authorities has also been incorporated into the procedures.
- 1.2 Comments and Compliments are included in order to enable and encourage customer comments or suggestions to be made on how we can improve our performance and customers to give compliments if they are happy with our services.
- 1.3 It is important to make it as easy as possible for customers to put forward their views by providing as many outlets for them to do so as possible. Provision has also been made on the Council's Website Site for customers to submit a comment, compliment or complaint.

2. THE COMPLAINTS PROCEDURE

Definitions

- 2.1 It is absolutely essential that employees operating the complaints procedure are fully aware of what should, and should not, be considered to be a proper complaint.
- 2.2 A Complaint is defined as:

"An expression of dissatisfaction which requires a response."

On the basis of the above definition, the following would not normally be regarded as complaints:

- 2.2.1 Requests for a service (e.g. Reporting litter)
- 2.2.2 Requests for information or explanation of Council policy or practices
- 2.2.3 Complaints about third parties (e.g. Neighbouring allotment overgrown)
- 2.2.4 Complaints about services outside the Council's sphere of operations (e.g. work undertaken by statutory bodies such as B.T., Npower, British Gas etc.),
- 2.2.5 Comments or Compliments on Council Services.
- 2.3 However, although the examples cited above are excluded from the complaints procedure, if they are not dealt with appropriately they could easily give rise to a subsequent complaint. It will still be necessary, therefore, for staff to exercise a degree of discretion in determining what constitutes a complaint, or potential complaint, and to deal with it in an appropriate manner.
- 2.4 A Complainant is defined as:

"The person who lodges the complaint or otherwise expresses dissatisfaction with the service provided."

- 2.5 An Acknowledgement is defined as:

"A formal written notification of receipt of the complaint."

- 2.6 A Reply is defined as:

"A written response addressing the point(s) raised by the complainant in their complaint."



2.7 Redress is defined as:

"Seeking to put the injured party back to a position that they would have been in had they had no cause for complaint."

This encompasses the key elements of dictionary definitions of redress which include correction; reparation; amendment; putting right; restoration; satisfaction; and compensation.

2.8 Complaints about the conduct of employees or Councillors will be dealt with by the Council's internal procedures, not under the complaints system.

3. The Stages of the Complaints Procedure

3.1 The following constitutes the complaints procedure.

3.2 Stage 1 – Informal

Staff deal with the initial approach by the complainant and attempt to resolve their concerns. This may mean taking action themselves or offering advice to the complainant on the best course of action to take to resolve the problem.

There is no need to record/log informal complaints.

If the complainant remains dissatisfied with the solution offered (if any), request the complaint is made in writing.

3.3 Stage 2 – Formal

3.3.1 A complaint may be submitted either in person or by proxy (eg. by giving the relevant details to a member of staff either in person or over the telephone), submitting a complaint by submitting a letter of complaint outlining:

- 3.3.1.1 the nature of the complaint;
- 3.3.1.2 what action, if any, has already taken place;
- 3.3.1.3 why the complainant remains dissatisfied.

3.3.2 The complaint must be forwarded to the Parish Clerk who will ensure that it is logged onto the Comments, Compliments and Complaints file prior to being investigated.

3.3.3 Where necessary, the Chairman of the Council will undertake his/her own investigation into the complaint.

3.3.4 A written acknowledgement must be sent by the Parish Clerk to the complainant within 5 working days of receipt of a complaint.

3.3.5 An investigation must be undertaken by the Parish Clerk making/adjudicating on the decision reached. The complainant will be informed, in writing, of the outcome of the investigation within 15 working days of receipt of the complaint. Where appropriate, the complainant will be made aware of the next stage in the procedure.

3.3.6 If it is not possible to provide a final response within 15 working days, then the Parish Clerk must send an interim reply instead which apologises for the delay, explains the causes and outlines the progress to date.



- 3.3.7 The Parish Clerk must send a full response (or a further interim one, where applicable), to the complainant within a further 15 working days. The Chairman of the Council must be kept aware of progress of the investigation at all stages.
- 3.3.8 Once the final response has been sent, copies should be filed in the Comments, Compliments and Complaints file.
- 3.3.9 If the complainant is still dissatisfied an appeal can be made to Full Council.
- 3.3.10 Should this not appease the complainant, the final internal stage in the procedure would be an appeal to the Local Government Ombudsman.

3.4 Stage 3

- 3.4.1 The complainant will be notified, in writing, of the decision as soon as possible following its consideration and made aware that, if they still believe they have cause for complaint, their next, and final, step is a complaint to the Local Government Ombudsman, some other external body, or in some cases, the Courts.

3.5 Stage 4 - External

- 3.5.1 If the matter goes before the Local Government Ombudsman he/she will decide if there is a case to answer in relation to the way the Council arrived at a decision, i.e. has there been maladministration or injustice? Generally, it is not the Ombudsman's place to comment on the decision itself.
 - 3.5.2 Where the Local Government Ombudsman finds that there has been maladministration or injustice, any proposed action recommended by the Ombudsman will be considered by Full Council.
 - 3.5.3 If a complainant takes his/her complaint to Court you must notify Full Council as soon as you know that the complainant is doing this.
- 3.6 The majority of complaints should be dealt with satisfactorily without the need to proceed beyond the first (informal) stage of the procedure, and any employee who has to deal with a complaint should attempt to get it satisfactorily resolved at the earliest possible stage.

4. The Recording of Complaints

- 4.1 Stage 1 (informal) complaints need not be logged/recorded.
- 4.2 From Stage 2 (formal) onwards of the procedure, all complaints received will be entered onto the Comments, Compliments and Complaints file to be held by the Parish Clerk.
- 4.3 In order that the actual number of complaints received do not become distorted due to an individual complainant initiating two or more complaints about the same problem, any previous complaints must be noted in the records so that there is neither duplication of effort nor of recorded throughput.

5. Monitoring of Complaints

- 5.1 At the end of each month, the Parish Clerk should review the file.
- 5.2 A monitoring report giving statistical data on Compliments and Complaints will be reported to Full Council on an annual basis.

6. Time Limits

- 6.1 Time limits have been set for each stage of the procedure. It is based on two basic time periods - 5 working days for acknowledgements; and 15 working days (or multiples thereof) for formal responses.
- 6.2 Stage 1 (Informal complaints) should be dealt with on the day they are made.
- 6.3 Formal complaints must be acknowledged within 5 working days of receipt, identifying the member of staff who is dealing with the complaint, plus details of how and where to contact them. A written response should then be provided within 15 working days of receipt of a complaint at stage 2, or of the notice of intention to pursue a complaint at stage 3.
- 6.4 At each of the above stages, if it is not possible to provide a final response within 15 working days, then an interim reply must be made instead which apologises for the delay, explains the causes and outlines the progress to date. A full response (or a further interim reply, where applicable) shall be sent out to the complainant within a further 15 working days and the same procedure to be repeated until a full response is provided to the complainant.
- 6.5 A complaint which goes as far as stage 3 will be considered by Full Council following receipt of the notice of intention to pursue the complaint. The complainant will be notified, in writing, of the Council's decision as soon as possible following its consideration.

7. Redress Options

- 7.1 There should be a structured and consistent approach to the question of redress in cases where a complaint is found to be justified. Redress options are categorised as follows:
 - Apology
 - Explanation
 - Assurance for prevention of future occurrences
 - Corrective Action
 - Compensation.
- 7.2 In every instance, the complainant should receive at least a letter of apology for the actions which gave rise to the complaint, stating what action the Council has taken/ intends to take to remedy the situation. The remedy will, of course, need to be appropriate to the complaint.
- 7.3 In appropriate cases the situation should be remedied, if it is within the Council's power to do so, such that the complainant is restored to the position that they would have been in had they had no cause for complaint. Any remedial action should address the cause of the complaint as well as the outcome and attempt to prevent future recurrences.
- 7.4 The Council will not actively pursue or promote a policy involving compensatory payments where a complaint against the Authority is found to be justified and consideration should only be given to financial compensation where the other forms of redress are not sufficient to compensate the complainant for loss or suffering incurred, either directly, as a result of the complaint itself, or as a result of pursuing a complaint against the Council.

8. Special Cases

- 8.1 Special arrangements may need to be prepared for dealing with complaints against Councillors. Employees must refer all such cases directly to the Parish Clerk.

9. Anonymous Complaints

- 9.1 Anonymous complaints will be referred to the Parish Clerk who will decide if there is any substance to them and whether or not they warrant further investigation.

10. Summary

- 10.1 Any customer of the Council is entitled to make a complaint about the standard of service, action or lack of action of the Council or its employees.
- 10.2 The procedure recognises that a complaint may be informal (Stage 1) or formal (Stage 2 onwards).
- 10.3 Staff need to make every attempt to resolve complaints whilst they remain on an informal basis (Stage 1), without having to resort to the formal complaints procedure.
- 10.4 Employees must give complainants every assistance in completing the complain, where necessary. Language or writing difficulties should not preclude a complainant from benefiting from the procedure.
- 10.5 Any employee who is the recipient of a written complaint must ensure that the complainant has made it clear which service is being complained about and whether or not a complaint has been made previously about the same subject. If it is not obvious, they must try and extract this information from the complainant.
- 10.6 The Parish Clerk will carry out his/her investigation, report back, as necessary, to the Chairman of the Council, and prepare a reply (either interim or final), for the complainant which will be sent out within 15 working days of receipt of the complaint.
- 10.7 The final reply will state the outcome of the investigation into the complaint, for example, what actions, if any, the Council intends to take, and why. If the outcome is not what the complainant had requested, which is likely to leave them feeling dissatisfied or even more aggrieved, they must be told what rights of appeal they have and what the appropriate procedures are to make such an appeal.

11. Comments and Compliments

The Comments and Compliments Procedure

11.1 Formal:

- 11.1.1 A formal comment or compliment may be submitted either verbally or by submitting a letter.



- 11.1.2 When a formal comment or compliment is received it must be forwarded to the Parish Clerk who will ensure that it is logged into the Comments, Compliments and Complaints file.
- 11.1.3 If action is required a written acknowledgement must be sent by the Parish Clerk
- 11.1.4 Copies of correspondence should be filed in the Comments, Compliments and Complaints file.

Update Record

Date of Update:	Updated by:	Summary of changes:
26/05/23	Cllr Newman	Copied and pasted exiting document to new format. Added Version control, classification and update record.
13/06/24	Parish Clerk	No Changes Parish Council Review