# Ockbrook and Borrowash Parish Council - Complaints Procedure.

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or, a person or body acting on behalf of the Council. Complaints can be both verbal and written.

A good complaints system is:

* easily accessible and easy to use;
* helpful and receptive;
* not adversarial;
* fair and objective;
* based on clear procedures and defined responsibilities;
* thorough, rigorous and consistent;
* decisive and capable of putting things right where necessary;
* sensitive to the special needs and circumstances of the complainant;
* adequately resourced;
* fully supported by Councillors and Officers;
* provides responses that are proportionate, one size does not fit all,
* timely and
* regularly analysed to spot patterns of complaint and lessons for service improvement.

Ockbrook and Borrowash Parish Council will not be able to deal with all complaints from members of the public under the Ockbrook and Borrowash Parish Council’s Complaints Procedure as it may not be appropriate. For example:

Complainants could consider engaging other procedures/bodies in respect of the following types of complaint:

* This procedure is not appropriate for use where a serious complaint is made against the conduct of an individual Councillor - direct the complainant to the Monitoring Officer at Erewash Borough Council to follow their procedure to make a Standards Board Complaint.
* Financial irregularity - direct the complainant to the Ockbrook and Borrowash Parish Council’s External Auditor under the Local elector’s statutory right to object under the Audit Commission Act 1998, the Accounts and Audit (England) Regulation 2011 and the Audit Commissions Code of Audit Practice. On other matters, Ockbrook and Borrowash Parish Council may need to consult their Internal auditor/External Auditor.
* Criminal activity - direct the complainant to the Police.

## Ockbrook and Borrowash Parish Council Complaints Procedure:

The purpose of the Ockbrook and Borrowash Parish Council Complaints Procedure is to put things right if things go wrong.

1. Firstly, the complainant should be asked to put their complaint in writing to the Clerk/Proper Officer outlining their concerns/complaint.
2. The Clerk/Proper Officer receiving the complaint should attempt to resolve the matter informally. If this is not possible because of the serious nature or complexity of the complaint, then the Clerk/Proper Officer should consult the Chair to Ockbrook and Borrowash Parish Council (or the Vice Chairperson in their absence).
3. The Clerk/Proper Officer shall:
   1. Acknowledge receipt of the complaint in writing within 10 working days.
   2. Confirm to the complainant if the complaint will be treated as confidential.
   3. Confirm the next steps in the complaints procedure.
4. The identity of a complainant will not be disclosed.
5. The written response on behalf of the Parish Council should include a full and frank response to the concerns raised by the complainant and an apology where appropriate.
6. The response should be made within 10 working days of receipt wherever possible. If the investigation requires more time or needs to go to a full Parish Council meeting for a decision to be made, then an initial response explaining the reason for a delay should be sent to the complainant within 10 working days outlining when a decision for the complaint should be concluded.
7. The Clerk/Proper Officer or Chair (or the Vice Chair in their absence) will represent the position of the Council. If the Clerk/Proper Officer, Chair (or the Vice Chair in their absence) puts forward justification for the action or procedure complained of, the Clerk/Proper Officer should only need to update the full Parish Council of the complaint received and the outcomes determined.
8. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

The following procedure is designed for those complaints which cannot be satisfied by less formal measures or initial explanations provided to the complainant by the Clerk/Proper Officer or the Chair (or the Vice Chair in their absence).

1. Firstly, the complainant should be asked to put their complaint in writing to the Clerk/Proper Officer outlining their concerns.
2. The Clerk/Proper Officer shall acknowledge receipt of the complaint within 10 working days and advise the complainant when the matter will be considered by way of a Full Parish Council Meeting.
3. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

## At the Meeting – Confidential matters

* The Chair should introduce everyone and explain the procedure.
* The complainant (or representative) if appropriate, should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Chair or Vice Chair in their absence, ii) the Clerk/Proper Officer and then (ii), all other members of the Council if appropriate.
* The Chair and Clerk/Proper Officer will have an opportunity to explain the Council’s position and questions may be asked by (i) the complainant and (ii), members of the Parish Council.
* The Chair and or the Clerk/Proper Officer and then the complainant should be offered the opportunity to summarise their position.
* The complainant should be asked to leave the room while the Parish Council decide whether the grounds for the complaint have been made. If a point of clarification is necessary, the complainant shall be invited back.
* The complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.
* The decision should be confirmed in writing to the complainant within 20 working days together with details of any action to be taken.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

1. All formal complaints against Ockbrook and Borrowash Parish Council must be communicated in writing.
2. All complaints will be treated confidentially, Ockbrook and Borrowash Parish Council must comply with its obligations under the Data Protection Act 1998, to safeguard against unlawful disclosure of personal data.

## Receipt of a complaint:

1. The Clerk/Proper Officer or another nominated officer shall:
   1. Acknowledge receipt of the complaint in writing within 10 working days.
   2. Confirm to the complainant that the complaint will be treated as confidential.
   3. Confirm the next steps in the complaints procedure.

## Investigating the complaint:

1. Ockbrook and Borrowash Parish Council will need to investigate the facts of the complaint and collate the relevant evidence.
2. Ockbrook and Borrowash Parish Council’s Complaints Procedure permits the complainant to make verbal representation at a meeting if necessary with the Clerk/Proper Officer and the Chair to Ockbrook and Borrowash Parish Council (in the Chair’s absence this will be the Vice Chair to Ockbrook and Borrowash Parish Council).
3. Before the meeting and within 10 working days of the complaint, the complainant shall provide the Clerk/Proper Officer and the Chair to Ockbrook and Borrowash Parish Council with any new information or other evidence relevant to the complaint.

## Meetings with the Complainant:

1. The Chair to Ockbrook and Borrowash Parish Council (The Vice Chair in their absence) will explain how the meeting will proceed.
2. The Complainant will start by outlining the grounds for the complaint and, therefore questions may be asked by the Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council.
3. The Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council will have the opportunity to explain the Council’s position and questions may be asked by the complainant.
4. The Chair (the Vice Chair in their absence) will then offer the complainant the opportunity to summarise their position followed by the Chairpersons summary.
5. The complainant will then be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them. This will be dependent on the next available Parish Council Meeting and when the complaint can be discussed further.
6. Where a complaint is about the Clerk/Proper Officer or Chair to Ockbrook and Borrowash Parish Council, the complainant should in the first instance, still submit the complaint in writing to the Clerk/Proper Officer of Ockbrook and Borrowash Parish Council. The Clerk/Proper Officer will then refer the letter submitted to the Chair to Ockbrook and Borrowash Parish Council for consideration if it is about the Clerk/Proper Officer or, to the Vice Chair for consideration if it concerns the Chair.
7. Where a complaint is about any contractor for Ockbrook and Borrowash Parish Council, the complaint should, in the first instance, be submitted in writing to the Clerk/Proper Officer of Ockbrook and Borrowash Parish Council. Item 1), 2) 3), 4) & 5) above will be followed if the complainant requests a meeting.

## After the complaint has been decided:

1. Within 20 working days the Clerk/Proper Officer should write to the complainant with an update of the position and when the final decision will be made or,
2. Within 20 working days of holding the requested meeting the Clerk/Proper Officer should write to the complainant to confirm whether or not it has upheld the complaint. The Clerk/Proper Officer should give reasons for the decision made together with the details of any actions taken if appropriate.

The purpose of a complaint’s procedure is to put things right if things go wrong.

## Letters of complaint to be sent to:

The Clerk

Parish Hall

Church Street

Ockbrook

Derby

DE72 3SL

Email: clerk@ockbrookandborrowashparishcouncil.gov.uk

## Management of the Ockbrook and Borrowash Parish Council’s Complaints Procedure and Code of Practice

Ockbrook and Borrowash Parish Council is responsible for the adoption and maintenance of this Policy.