

# BURSTWICK PARISH COUNCIL

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## Complaints Policy and Procedure

### Introduction

Burstwick Parish Council is committed to providing quality services for the people who live or work in its area. If you are dissatisfied with the standard of service you have received from the council or are unhappy about an action or lack of action by the council, this complaints procedure sets out how you may complain to the council and how we shall try to resolve your complaint. This procedure applies to council administration and procedures and may include complaints about how council employees have dealt with your concerns.

### What is a complaint?

As perceptions differ widely, it is difficult to give a precise definition. For the purposes of this procedure, a complaint is an expression of dissatisfaction about a service undertaken by the council or any of its employees. This includes:

- The service you have received from us – including staff or contractors who work on our behalf
- Things you think we should have done or not have done – either by law or established practice
- Where you think we have not followed adopted policies or procedures

The Parish Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as formal complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Parish Council by the Clerk.

### How to make a formal complaint

We cannot please everyone all the time. What we can promise is to listen and to do what we can to deal with your complaint.

You will be asked to put the complaint in writing (letter or e-mail). Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing. Anonymous complaints will be disregarded.

Please use the following table to direct your complaint to the right person.

Nature of complaint	Who to contact
Council service, policy or procedure Council decisions Lack of action Contractor	Parish Clerk Mrs Rose Blackburn T: 01964 670887 E: <a href="mailto:burstwickpc@gmail.com">burstwickpc@gmail.com</a>  Burstwick Parish Council Southfields Southfield Lane Burton Pidsea HU12 9AA
Council staff i.e. Parish Clerk Village Hall Clerk Parish Gardener	Chairman Cllr. Dean James T: 01964 625007 E: <a href="mailto:djames@burstwickpc.co.uk">djames@burstwickpc.co.uk</a>  20 Churchil Rise Burstwick HU12 9HP
Conduct of a Parish Councillor	The Monitoring Officer Head of Legal and Democratic Services East Riding of Yorkshire Council County Hall Beverley HU17 9BA E: <a href="mailto:standards@eastriding.gov.uk">standards@eastriding.gov.uk</a>

## What happens next?

When your complaint has been received, the council will write to you within seven days to let you know:

- Who is responsible for dealing with the complaint
- How it will be dealt with
- When the complaint is likely to be dealt with (it may take up to 28 days, if the complaint is referred to the next parish council meeting)

### Stage 1

On receipt of your written complaint, the Clerk to the Council will seek to settle the complaint directly with you by explaining the Parish Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.

If the complaint cannot be resolved at this stage, you will be notified that it will be reviewed under the stage 2 process.

## **Stage 2**

The Clerk will inform you that the complaint will be dealt with by the Parish Council.

You will be invited to attend the next full council meeting and to bring any representative if you wish.

Seven clear working days prior to the meeting, you will be requested to provide the Parish Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Parish Council will provide you with copies of any documentation which it wishes to rely on at the meeting.

### **Procedure at the Meeting**

1. The Parish Council will consider whether the circumstances of the meeting warrant the exclusion of the press and public.
2. The Chairman will introduce everyone and will explain the procedure.
3. You, as the complainant, or your representative, will outline the grounds for complaint.
4. Parish councillors will ask questions of you or your representative.
5. If relevant, the Clerk will explain the Parish Council's position.
6. Members of the council will be able to ask questions of the Clerk to the Council.
7. The Chairman will summarise the Parish Council's position and then you will be offered the opportunity of summing up.
8. You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.
9. If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
10. You will then re-join the meeting to be advised of the decision of the Committee, together with reasons for the decision, or, if necessary, to be advised 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.

### **After the meeting**

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

### **What to do if you are still not satisfied**

The decision of the Parish Council is final and there is no right of appeal. Currently parish councils cannot refer complaints to any other public organisations for settlement.

## **Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or 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. These matters will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## **Complaints relating to the Clerk or other members of staff**

These will be dealt with by the Parish Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Parish Council are entitled. The complainant will be informed of action taken.

Adopted by parish council on: 24.10.19

Chairman: *D James*

Review due: 09/2021