ECCLESFIELD
PARISH COUNCIL

Serving the Community since 1894

COMPLAINTS PROCDURE

Who can make a complaint?

This complaints procedure is not limited, any person, including members of the public, may make a complaint to Ecclesfield Parish Council about any provision of facilities or services that the parish council provides.

The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Ecclesfield Parish Council takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Ecclesfield Parish Council will attempt to resolve the issue through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the Parish Clerk. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual councillors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against council staff should be made in the first instance, to the Parish Clerk. Please mark them as Private and Confidential.

Complaints that involve or are about the Clerk should be addressed to the Chairman of Ecclesfield Parish Council. Please mark them as Private and Confidential.

Complaints about the Chairman of Ecclesfield Parish Council, any individual councillor or the whole of the Parish Council should be addressed to the Monitoring Officer, Sheffield City Council, Legal Services. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the council offices. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Clerk or Chairman of Ecclesfield Parish Council if appropriate, will determine whether the complaint warrants an investigation.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Ecclesfield Parish Council including those listed below.

Exceptions	Who to contact
• Highways • Street Lighting • Waste/Refuse Collection • Play Areas	Concerns about highways, street lighting, waste/refuse collection, play areas should be directed to Sheffield City Council
• Staff grievances	Complaints from staff will be dealt with under the Parish Councils internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the Parish Councils disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use parish councils premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) this may impact on our ability to providing a timely response to the complainant.

If a complainant commences legal action against Ecclesfield Parish Council in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Ecclesfield Parish Council wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better ;
- an assurance that we will try to ensure the event complained of will not recur; and
- an apology

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints must be made to the Parish Clerk, via the parish office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Clerk will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Within this response, the Clerk will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Clerk can consider whether a face to face meeting is the most appropriate way of doing this.

During the investigation, the Clerk (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Clerk will provide a formal written response within 20 working days of the date of receipt of the complaint.

If the Clerk is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The Clerk will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Clerk, or a member of the Parish Council (including the Chair or Vice-Chair), a suitably skilled councillor will be appointed to complete all the actions at Stage 1.

Complaints about the Clerk or member of the parish council must be made to the Chairman of the parish council via the council office.

If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire parish council or
- the majority of the parish council

Stage 1 will be considered by an independent investigator appointed by the parish council. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with the Clerk or members of the councils appointed complaints committee, which will be formed of the first three, impartial, councillors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the council office, within 10 working days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 working days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three councillors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three councillors from Ecclesfield Parish Council available, the Clerk will source any additional, independent councillors through another local parish or through Sheffield City Councils Democratic Services Team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

Representatives from the media are not permitted to attend.

At least 10 working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 7 working days before the meeting.

Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the parish's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Ecclesfield Parish Council with a full explanation of their decision and the reason(s) for it, in writing, within 7 working days.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire parish council or
- the majority of the parish council

Stage 2 will be heard by a committee of independent councillors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Ecclesfield Parish Council will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the parish did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties they can contact Sheffield City Councils Monitoring Officer after they have completed Stage 2.

Complaint Form

Please complete and return to the Parish Clerk who will acknowledge receipt and explain what action will be taken.

Your name:
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the parish about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the parish in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Complaints Co-ordinator (this could be the Clerk / designated complaints parish councillor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Clerk, parish council chairman, to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to parish complaints, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, parish and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 and GDPR.

  If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the parish are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the parish has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

  No councillor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the parish and the complainant

  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

Adopted by Council 9.1.2020

Review date June 2023