



ECCLESFIELD PARISH COUNCIL

Serving the Community since 1894

Draft COMPLAINTS POLICY / PROCEDURE

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 ('the Council') about any provision of facilities or services that the 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 complaint's procedure. The Council takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

The Council understand, however, that there are occasions when people would like to raise their concerns formally. In this case, the Council will attempt to resolve the issue through the stages outlined within this complaint's 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 of 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. Councillors 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 Parish Clerk should be made, in the instance, to the Chairman of the Council. Please mark them as Private and Confidential.

Complaints about the Chairman of the Council, any individual Councillor or the whole of the Council should be made to the Monitoring Officer at Sheffield City Council. Further information about how to do this can be found at <https://www.sheffield.gov.uk/home/your-city-council/councillors>.

For ease of use, a template complaint form is included at the end of this procedure. If help is required in completing the form, contact the Clerk or another member of staff either by phone on 0114 284 5095 or email via clerk@ecclesfield-pc.gov.uk. Third party organisations like Citizens Advice may also be able to help in completing the form.

In accordance with equality law, the Council 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

The Council will not normally investigate anonymous complaints. However, the Clerk or Chairman of the 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 the Council including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the Councils' internal grievance procedures.
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the Council's disciplinary procedures, if appropriate.</p> <p>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.</p>

<ul style="list-style-type: none"> Complaints about services provided by other providers who may use Council's premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
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If other bodies are investigating aspects of the complaint, for example, the police or Sheffield City Council this may impact on the Council's ability to provide a timely response to the complainant.

If a complainant commences legal action against the Council in relation to their complaint, the Council 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, the Council wants to resolve the complaint. If appropriate, the Council will acknowledge that the complaint is upheld in whole or in part. In addition, the Council 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 the Council 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. This may be done in person, in writing (preferably on the Complaint Form), by email (via clerk@eccelsfield-pc.gov.uk) 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 on how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Clerk, a suitably skilled councillor will be appointed by the Chairman of the Council to complete all the actions at Stage 1.

Complaints about the Clerk or member of the Council staff must be made to the Chairman of the Council via the Council Office's.

If the complaint is:

- jointly about the Chairman and Vice Chairman of the Council or
- the entire Council or
- the majority of the Council

Stage 1 will be considered by an independent investigator appointed by the Council. After 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 Council's appointed Complaints Committee, which will be formed of the first three, impartial, councillors available. This is the final stage of the complaint's 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 based on written submissions from both parties.

The Complaints Committee will consist of at least three Parish 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 the Council are available, the Clerk will source any additional, independent councillors through another local parish council in Sheffield or through Sheffield City Council's 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, the Council 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 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 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 Council's systems or procedures to prevent similar issues in the future.

The Chairman of the Committee will provide the complainant and the 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 Chairman and Vice-Chairman of the Council or
- the entire Council or
- the majority of the 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 the 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 Council 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 Council 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 Council 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 is normally the Clerk)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Clerk, Chairman of the Parish Council, 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 council 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 Council 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 Chairman

The Committee's Chairman, 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 informally, is not adversarial, and, 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 Council 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.

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 prior involvement in the complaint or the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Parish Council and the complainant
- The Parish Council 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.

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