

MARKET LAVINGTON PARISH COUNCIL

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COMPLAINTS PROCEDURE POLICY

ADOPTED AT PARISH COUNCIL MEETING 19/11/24 (minute number 24/25-148b)

This Complaints Procedure (“the procedure”) reflects Market Lavington Parish Council’s commitment to valuing complaints. The Council aims to resolve dissatisfaction promptly, efficiently and to conduct appropriate and fair investigations so that it can make evidence based decisions on the facts of each case. Our intention will always be to resolve the complaint by communication and resolution rather than by requiring this formal complaints procedure policy.

1. Aim of the Complaints Procedure – We aim to offer a complaints procedure that:

- Is simple for everyone to use and understand
- Ensures standards are maintained
- Enables us to learn from feedback in order to improve
- Complies with council procedure
- Focuses on fair, proportionate resolution at the earliest stage
- Works in an open-minded and impartial way

2. Purpose - The purpose of the procedure is to put things right if things go wrong.

3. Our Complaints Procedure - Our complaints procedure is designed to be:

- Well publicised and easy to use
- Helpful and receptive
- Not adversarial
- Fair and objective
- Based on clear procedures and defined responsibilities
- Quick, thorough, rigorous and consistent
- Decisive and capable of putting things right where necessary
- Sensitive to the needs and circumstances of the complainant
- Adequately resourced
- Fully supported by councillors
- Regularly analysed to spot patterns of complaint and lessons for service improvement

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

It may not be appropriate to deal with all complaints from members of the public when the complaint has been received and determined to be irrelevant to the role of the parish council or its councillors. When a complaint is made and accepted it may still not be investigated by the council following this procedure.

There may be some instances where the Parish Council will consider engaging other procedures / bodies, or for which it is not allowed to investigate. Some of these instances are, but not limited to:

- Complaints about the conduct of Parish Councillors. Complainant must report such complaints directly to the Monitoring Officer at Wiltshire Council via the 'Members Complaint Form' at <https://www.wiltshire.gov.uk/complaints-about-council>
- Complaints about alleged criminal activity. Report to the Police.
- Complaints about employment matters – alternative procedures to deal with grievances or disciplinary matters against staff
- Complaints about financial irregularity – Local elector's statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult with their auditor.

4. What is a Complaint

- An expression of dissatisfaction about the council's action or lack of action or about the failure to provide or meet the expected 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
- Neglect or delay in responding to a contact with the Parish Council
- Failure to observe the Parish Council's policies or procedures
- Discourteous or dishonest conduct by a member of staff
- Harassment, bias or discrimination

5. Who can make a Complaint

Anyone who receives, requests or is affected by our services can make a complaint. We will accept complaints brought by third parties (such as a friend or relative of the person affected) where there is clear evidence that the individual has given their permission. A complaint can also be made through an independent advocacy service and details of those services will be provided to the individual where appropriate.

A complaint can be made formally by letter or email. It should include as much detail as possible.

6. Anonymous Complaints

The Council recognises that on occasions some complainants will wish to remain anonymous. Generally, we will consider anonymous complaints if there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.

If an anonymous complainant does not provide enough information to enable us to take further action, or is repetitive, we may decide not to pursue it further.

If an anonymous complainant makes serious allegations, we will refer it to an appropriate individual or governing body immediately for consideration.

If we pursue an anonymous complaint, we will still record the issues raised to allow us to take corrective action and learn from lessons where appropriate.

7. Confidentiality

The identity of a complainant should only be made known to those who need to consider a complaint. The Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned). Our Data Privacy Policy is linked [here](#).

8. Contact us

If you are unsure about making a complaint or want to talk to someone for further advice, information or support, please contact us in the following ways (you can also visit the Market Lavington Parish Council website, contained within are the contact details for each of the Councillors):

a. Writing

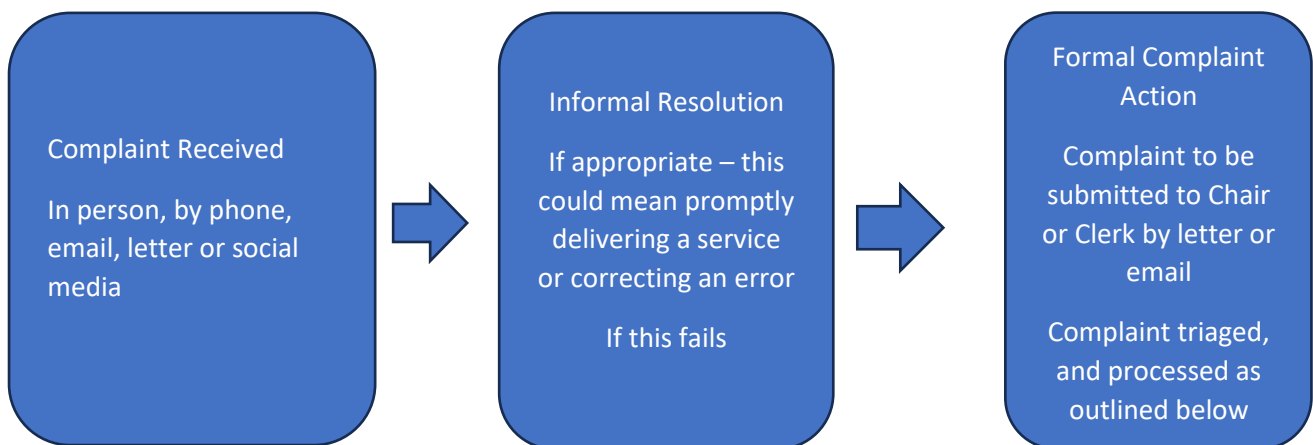
- (1) Primary. The Clerk, 23 Orchard Close, West Ashton, BA14 6AU.
- (2) Secondary. Chair, Clays View, The Clays, Market Lavington, SN10 4AY.

b. Email clerk@marketlavingtonparishcouncil.gov.uk or c.stevens@marketlavingtonparishcouncil.gov.uk

c. Phone Clerk – 01225 760372 or Chair 07917 098001

d. Social Media – The Parish Council have an account on Facebook. Whilst complaints can't be made using this medium, those monitoring the site will be able to signpost you.

9. Complaints Process



10. Stages of the complaint process

- a) **Qualification.** The complaint will be triaged by Council to ensure that it is legitimate and warrants further action – if it fails to meet the qualification criteria, the complainant will be notified in writing (please see Appendix for full details of Complaints Qualifying Criteria).
- b) Within 7 working days of receipt of the written complaint, the Clerk or Chair will give written acknowledgement of it, provide a copy of this Complaints Procedure and ascertain whether the complainant wishes the matter to be treated confidentially.

- c) If a complainant has threatened to take legal action against the Council, professional legal advice will be sought from the Parish Council's insurers and WALC.
- d) Within 20 working days of receipt of the written complaint, the Clerk or Chair will provide the complainant with a written update regarding processing of the complaint. This should include details of any legal advice obtained, whether complaint will be taken further, when/if the matter will be considered and the mechanism of investigation / hearing (meeting), and a timescale for further actions.
- e) If the complaint is to be considered at a meeting various circumstances will determine what type of meeting this would be i.e. whether the complainant wishes to remain anonymous, and the matter be treated confidentially would dictate whether the meeting should be a regular monthly meeting with public participation, or a closed Parish Council meeting. If the complaint is complicated and or urgent that will dictate whether it should be an extraordinary meeting.
- f) The meeting –
 - The complainant will be invited to attend the meeting and to bring with them a representative if they wish
 - Both the complainant and the Council will ensure all documentation or evidence that they wish to rely on at the meeting is provided to the Clerk for circulation with the agenda papers
 - The Parish Council Chair will introduce everyone and facilitate the following procedure
 - The complainant (or representative) will outline the grounds for the complaint and answer any questions raised by the Council
 - The Clerk will explain the Council's position, and answer any questions raised by the complainant or Councillors
 - The complainant and the Clerk will be offered the opportunity to summarise their position
 - The complainant and the Clerk will then be asked to leave the room while Council consider the complaint. If a point of clarification is necessary, both parties shall be invited back
 - Both parties to return to the meeting to receive details of decision made by Council
 - The decision shall be confirmed in writing to the complainant within 7 working days of the meeting, together with details of any action to be taken
 - The decision on the complaint shall be made known at a public Council meeting.

Policy Review

Market Lavington Parish Council will review this policy as is necessary and appropriate, or at a maximum of three years after adoption.

Adopted Date:19/11/2024

Next Review due: November 2024

Date of meeting at which any amendment to document approved	Details of amendment

**Appendix - Complaint Qualification Criteria
(as per Para 10a of Complaints procedure)**

The Clerk and Chair will adopt the approach and apply the criteria set out below in the assessment of complaints. The Parish Council will use the same approach and criteria.

Relevance

1. It is possible that complaints will be received which are irrelevant to the role of the Parish Council or its councillors, or for which it is not allowed to investigate. In such cases, the Clerk will notify the complainant that they cannot proceed under this procedure, advising them what alternative procedure the complaint will be processed under, or directing the complainant to the relevant authority to bring the complaint under the appropriate complaints procedure.

Alternative resolution

2. The Clerk and Chair will always consider whether an alternative means of resolving the complaint would be appropriate.

Initial Tests

3. Before the assessment of a complaint begins, the Clerk and Chair should be satisfied that it relates to:
 - **An expression of dissatisfaction about the council's action or lack of action or about the failure to provide or meet the expected 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**
 - **Neglect or delay in responding to a contact with the Parish Council**
 - **Failure to observe the Parish Council's policies or procedures**
 - Discourteous or dishonest conduct by a member of staff
 - Harassment, bias or discrimination

Sufficiency of information

4. The complainant must provide sufficient information to enable those responsible for assessing the complaint to understand the substance of the complaint. Further information to be requested if this is not the case.

Seriousness of the Complaint

5. A complaint will not be referred for investigation if, on the available information, it appears to be trivial, vexatious, malicious, or 'tit for tat'. A complaint will not normally be referred for investigation if the complainant has been offered an apology, a reasonable explanation of the issues, or if the Clerk and Chair takes the view that the complaint can reasonably be addressed by other means. Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Clerk and Chair to be appropriate.

Anonymous Complaints

6. Anonymous complaints will not be considered unless the Clerk and Chair is satisfied that there is enough information to identify that there is an issue that needs to be considered and to enable further enquiries.

Multiple Complaints

7. A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Clerk and Chair at the same time. Each complaint will, however, be considered separately. If an investigation is deemed to be appropriate the Clerk and Chair may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

Confidentiality

8. All information regarding the complaint will remain confidential until determined otherwise by the Clerk and Chair or Parish Council.

Withdrawing Complaints

9. A complainant may ask to withdraw their complaint before it has been assessed. In deciding whether to agree the request the Clerk and Chair will consider:
 - a. the complainant's reasons for withdrawal;
 - b. whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
 - c. whether action, such as an investigation, may be taken without the complainant's participation.