

Complaints Procedure

Proposed changes:

Sections numbered for easier reference

Document is British Dyslexia Association compliant

S1.2 added to explain what information is needed

S1.3 added to include time limits for acknowledgement or resolution (this was not included in the previous policy)

S1.4 added to include special complaints about data protection

S1.5 added to withhold complainant's name in public unless that have agreed (links to data protection and our privacy notice)

Complaints Procedure

1.0 The council's complaints procedure

1.1 Menheniot Parish Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council, or one of its members or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of address to the Council if they feel they have a complaint or have been unfairly treated in their dealings with the Council staff, Councillors or the Council.

1.2 Whichever method is used to log the complaint, please give sufficient details of the concern so that it can be addressed correctly:

- Location of the concern (if applicable)
- Date the concern (if applicable)
- The service you are complaining about (or the person or their position)
- Contact details of the complainant
- Any further details or background information which you think might be necessary

1.3 Please make your complaint directly to the Clerk's Office in the first instance where they will try to resolve it for you. They will respond to you within 14 days with either the outcome of the complaint or to confirm the matter is under investigation and when you are likely to receive an outcome. If your complaint is about the Clerk, please read Section 4.

1.4 If your complaint is about Data Protection, please see our separate policy statement. You can use this process to make a complaint to the council or directly to the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

1.5 Your personal details will not be made public without your explicit consent. This means that your name or anything that can identify you in any report or public discussion will be anonymised unless you have agreed otherwise.

2.0 Verbal complaints

2.1 If the Clerk is unable to answer the complaint immediately, then full details of the complaint together with the Complainant's telephone number etc will be recorded so that a further verbal response can be made as soon as possible.

2.2 If a verbal response is unable to satisfy, then the Clerk will ask that the complaint be put in writing in order that it can be investigated more fully.

3.0 Written complaints

3.1 If the complaint is about the behaviour of an employee of the Council, the Clerk must also notify the person and offer the opportunity for comment on the manner in which it is intended to try and settle the complaint.

3.2 If necessary, the Clerk will send a holding letter to the Complainant to allow further time to address the issues raised.

3.3 The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the Complainant of the date of that meeting. The Complainant will be offered the opportunity to explain the nature of the complaint to the meeting.

3.4 The Clerk shall consult with the Chairman/Vice Chairman to consider whether the written complaint warrants discussion at a Council meeting in the absence of the press and public, with the decision on the complaint being announced at the Council meeting in public.

3.5 The Clerk will communicate in writing the decision that has been made by the Council and the nature of any action taken by the Council.

3.6 Code of Conduct (see below for the procedure for complainants). Where a councillor is subject to a complaint alleging breach of the Code, the details of the complaint and exchanges of information between all parties have to be treated as confidential. Divulging information during any investigation could compromise the parties or the fairness of the process. For this reason, information concerning any Code of Conduct complaint may not be shared with other councillors until any assessment has been completed or the person conducting the assessment has agreed that details may be made public.

4.0 Complaints against an officer of the council

4.1 Any complaint against an officer must be submitted in writing.

4.2 If the complaint is against the actions of the Clerk, it should be submitted in writing to the Chairman. You can get their contact details from the council's website.

4.3 If the complaint is made against the actions of an employee, it will be considered as an employment issue and the Clerk will present the complaint to the Council for consideration at a meeting held in the absence of the press and public.

4.4 If the complaint is made against the actions of the Clerk, it will be considered as an employment issue and the Chairman will present the complaint to the Council for consideration at a meeting held in the absence of the press and public.

4.5 The Complainant may be invited to attend part of the meeting to explain the nature of their complaint, in the absence of the press and public.

4.6 Persons mentioned in the complaint will have the opportunity to explain the nature of their actions to the meeting, in the absence of the press and public.

4.7 The result of any Council consideration of a complaint will be announced at a Council meeting in public.

5.0 Complaints against a member of the council

5.1 The Parish Councillors sign up to a Code of Conduct on taking office. The Council is unable to investigate complaints against any of its members. If you wish to submit a complaint for breach of this code you should do so by contacting the Monitoring Officer at Cornwall Council:

Monitoring Officer
Cornwall Council

New County Hall
Treyew Road
TRURO
Cornwall
TR1 3AY

Further information can be accessed from the Cornwall Council website:
www.cornwall.gov.uk

6.0 Review of complaints

6.1 Menheniot Parish Council will review the Register of Complaints annually to see if any patterns exist which should be investigated to improve its performance.

7.0 Vexatious or persistent complaints

7.1 The Parish Council receives very few complaints about the services that it provides and about the property that it manages. Where it does receive a complaint these are examined quickly and in accordance with the approved policy as outlined above. However, there will be rare occasions when a complainant will not be satisfied with the decision of a Committee or the Council itself. They might attempt to continue to pursue the issue in a way that the manner that is vexatious or persistent, for example:

- a. Complaining to a different person to see if they can obtain the response they wish.
- b. Modifying the complaint slightly to make it appear a new issue whereas it is really the original complainant.

7.2 Given the limited resources available to the Parish Council it is important not to spend large amounts of time dealing with vexatious or persistent complainants. Hence, upon the decision of a Committee or Council that the complaint has been considered and found to be vexatious or persistent that the Parish Clerk and appropriate staff need not spend further time dealing with the issue. The Clerk will inform the complainant that the Council will not reply or acknowledge any further contact from him or her on the specific topic of that complaint.

Adopted: October 2020
Review: 2023