

WEST LAVINGTON PARISH COUNCIL

COMPLAINTS PROCEDURE

This Complaints Procedure (“the procedure”) reflects West 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.

1. **Aim.** We aim to offer a complaints function that:
 - a. Is simple for everyone to use and understand.
 - b. Ensures standards are maintained.
 - c. Enables us to learn from feedback in order to improve.
 - d. Complies with council procedure.
 - e. Focuses on fair, proportionate resolution at the earliest stage.
 - f. 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:
 - a. Well publicised and easy to use.
 - b. Helpful and receptive.
 - c. Not adversarial.
 - d. Fair and objective.
 - e. Based on clear procedures and defined responsibilities.
 - f. Quick, thorough, rigorous and consistent.
 - g. Decisive and capable of putting things right where necessary.
 - h. Sensitive to the needs and circumstances of the complainant.
 - i. Adequately resourced.
 - j. Fully supported by councillors.
 - k. Regularly analysed to spot patterns of complaint and lessons for service improvement.
4. At all times, the rules of natural justice apply. All parties should be treated fairly and the process should be reasonable, accessible and transparent.
5. 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.
6. There may be instances where the Council will consider engaging other procedures / bodies, some of these are, but not limited to.
 - a. Instances of criminal activity involving the Police.
 - b. Internal disciplinary procedures / member conduct¹.

¹ In England a complaint relating to a member’s failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority.

- c. Financial irregularity².

What can you complain about? Complaints must be specifically relevant to Council decision making, actions (or inaction), or the conduct of councillors in their official role or duty.

7. **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.

8. A complaint can be made in writing or by email.

9. **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.

10. 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.

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

12. 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.

13. **Definition.** *A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the 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.*

14. **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 on our website and linked [here](#).

15. **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 [West Lavington Parish Council website](#), contained within are the contact details for each of the Councillors]:

- a. **Writing.**

- (1) **Primary.** The Clerk, Flat 3 The Beehive, 38 Keyford, Frome, BA11 1LA.

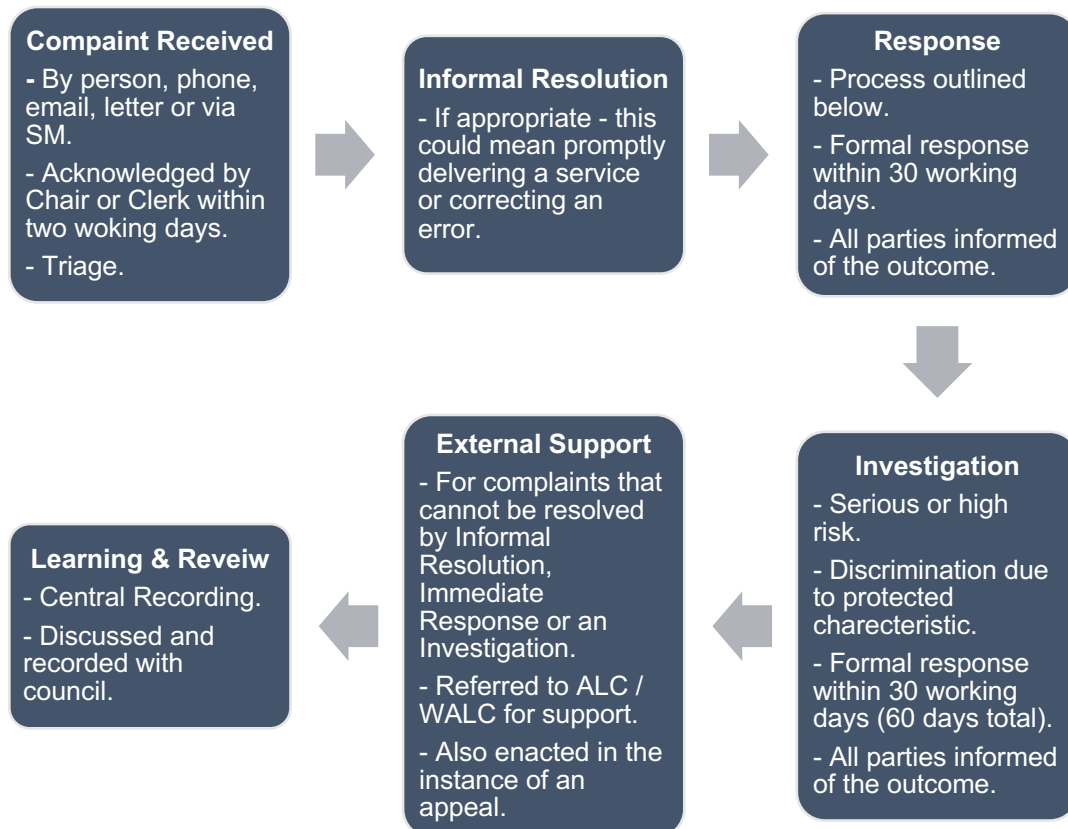
² Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission.

(2) **Secondary.** Chairperson, The Old Post Office, Church Street, West Lavington, Devizes, SN10 4LD.

b. **Email.** clerk@westlavington.org.uk or jford@westlavington.org.uk.

c. **Social media.** The Parish Council have accounts on Facebook and Instagram, each is monitored by more than one Councillor. Whilst complaints can't be made using this medium, our councillors will be able to signpost you.

16. Complaints Process.



17. Response.

a. Once the notification is received, see para. 15 for contact methods, the complainant should be asked to put the complaint in writing to the Clerk, this is to ensure that it can be thoroughly reviewed by all members of council.

b. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Council Chairperson.

c. **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.

d. The complainant should receive a formal acknowledgement within 30 days. They should be advised of the subsequent timeline, to include: whether it will be taken further (see para. 17d), when the matter will be considered and the mechanism of investigation / hearing.

e. The complainant should be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee meeting in public).

f. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

g. Seven clear working days prior to the meeting³, the complainant shall provide the Council with copies of documentation or other relevant evidence.

h. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so seven working days [before the meeting].

18. At the meeting.

a. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.

b. The Chair should introduce everyone and explain the procedure.

c. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by council.

d. The Clerk will have an opportunity to explain the Council's position and questions may be asked by the complainant and council.

e. The Clerk and then the complainant should be offered the opportunity to summarise their position.

f. The Clerk and the complainant should be asked to leave the room while council decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

g. The Clerk and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

h. It may be necessary to conduct an investigation or seek additional support from the Association of Local Councils. In either event, 30 working days [60 in total] should not elapse prior to making decision and offering a formal response.

19. After the Meeting.

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

Revised 5 May 2011, Reviewed Nov 2023.

³ This could be a regular monthly meeting with public participation, extraordinary, or just a closed PC meeting.