



Wickersley Parish Council
Complaints Procedure – September 2021

This policy was formally adopted by Full Council on 20th September 2021

‘A complaint is an expression of dissatisfaction 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.’

1.0 Forward

- 1.1 Wickersley Parish Council (‘Council’) endeavour to provide the highest level of service to its Parishioners and it is always our intention to resolve genuine complaints to the satisfaction of parishioners. This also applies to other individuals, organisations (e.g., a business, charity) or unincorporated bodies within the Parish (e.g. a residents or allotment association)
- 1.2 It is generally in the interests of the complainant and the Council to try to resolve the matter informally through the normal channels of communication, rather than deferring to the council’s formal complaints procedure. This should be the first course of action.
- 1.3 In the unlikely event that a parishioner or other body mentioned in 1.1, is dissatisfied either with Parish Councillors (‘Councillors’), staff or the service provided this complaints procedure will be applied.
- 1.4 At any stage of the procedure the Parish Clerk (‘Clerk’) or Chairman of the Council may contact you to arrange an interview, should they feel, it might help to talk to you about your complaint and to find out what you think we should do to put the matter right.

2.0 Communications that are not complaints

- 2.1 Communications with the Council are sometimes in the form of compliments, comments or reports and therefore will be dealt with in different ways. Where this is the case, we will tell you. For example, if you report that a flower box is broken and needs attention or if you ask for information or an explanation of Council policy or practice.
- 2.2 In addition to being able to report to the Clerk you are also welcome to contact your local Councillor about any issue you need help with. However, you are encouraged to

contact your Councillor by telephone or email the Clerk rather than just stopping them in the street, so they are able to take down all necessary details.

2.3 It is for the above reason and in order to prevent any confusion that, for a complaint to be dealt with under the complaint's procedure, it must be entitled '**FORMAL COMPLAINT**'

2.4 When a complaint is received from someone who does not live in the Parish of Wickersley the Clerk and Chairman shall decide if the complaint is such that the complainant can enter the formal complaint's procedure.

2.5 When a complaint is received which should be dealt with by other bodies who have responsibility for this area.

These are summarised below.

Type of conduct	Refer to
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s. 16 Audit Commission Act 1998).
Alleged criminal activity	The police.
Members' conduct alleged to breach the code of conduct adopted by the council.	Rotherham Metropolitan district Council (RMBC)

3.0 How to make a complaint

3.1 Written Complaint

3.2 You will be asked in the first instance to put your complaint in writing or via email to the Clerk at the following address:

Wickersley Parish Council
Wickersley Community Centre and Library
286 Bawtry Road
Wickersley
Rotherham
S66 2DD

Clerk@wickersleypc.org.uk

3.3 You should set out, with as much detail as you can and as clearly as possible what it is you are dissatisfied with. Your complaint should be entitled '**FORMAL COMPLAINT**'

3.4 You should confirm at the outset if you want the complaint to be treated confidentially. You should be aware the council must comply with its obligations under the Data Protection Act 2018 to safeguard against the unlawful disclosure of personal data.

3.5 Verbal Complaint

3.6 In the unlikely event that you are unable, or you are not prepared to put your complaint in writing you will be asked to visit the Council office at the above address and give your complaint to the Clerk who will take down what you say, read it back to you and ask you to sign it.

3.7 If, for some reason, you are not prepared to put a complaint to the Clerk, a complaint can be given to the Chairman of the Council.

4.0 How we will deal with your complaint

4.1 On receipt of a formal complaint being received by either the Clerk, a Councillor, or addressed to the Parish Council, the Chairman will be informed.

4.2 All complaints received will be acknowledged within seven working days and a copy of this procedure will be sent to you including details of who is dealing with the complaint.

4.3 **Stage 1**

4.4 In the first instance the Clerk will investigate and respond and will try their best to resolve the complaint if their investigation finds that there is a genuine problem.

4.5 Where it has not been possible to resolve the complaint to your satisfaction you will be entitled to ask for the complaint to go on to stage 2.

4.6 Where the complaint relates directly to the behaviour of the Clerk or the Chairman then the complaint will automatically be referred to stage 2 without further discussion or investigation.

4.7 It is hoped to let you have a full response to your complaint within ten working days. If this is not possible, we will send you a letter or email explaining why and give you an estimate of when you will receive a full response.

4.8 Dependent on the nature of the complaint it may be more appropriate to invite you to make verbal representations.

4.8.1 We will invite you to a meeting with the clerk and/or nominated officer.

4.8.2 The chairman of the meeting will explain how the meeting will proceed.

4.8.3 We will ask you to outline the grounds for complaint and, thereafter, questions may be asked by the clerk and/or nominated officer

4.8.4 The clerk and/or nominated officer (or if the complaint concerns them, another member of staff or a member) will have an opportunity to explain the council's position and you may be asked questions to aid understanding of your complaint.

4.8.5 You will be offered the opportunity to summarise your respective position.

4.8.6 You will be advised when a decision about the complaint is likely to be made and when it will be communicated to you.

Stage 2

4.9 At this stage the complaint will be referred for consideration on the agenda of the next Council meeting under the Human Resources standing item which falls at the end of the meeting. The Council will consider whether the contents of the complaint warrants the exclusion of the press and public, but any decision on the complaint will ultimately be announced in the public session of a future Council meeting.

4.10 The Council will, if necessary, establish a panel of Councillors to investigate the complaint fully and report back to the Council with their recommendations, unless:

4.10.1 The matter relates to the behaviour or conduct of staff, in which case the Council will invoke its own disciplinary procedure.

Or

4.10.2 The matter relates to the behaviour or conduct of a Councillor, in which case you will be advised of the procedure to refer the matter to the Rotherham MBC (RMBC) Monitoring Officer under the Code of Conduct. On receipt of a complaint relating to the behaviour or conduct of a Councillor the Council will be informed in the private session of their next meeting in accordance with the Council procedure.

4.10.3 The Standards Committee deals with complaints about the behaviour of a Member. It will not deal with complaints about things that are not covered by the Members Code of Conduct.

4.10.4 If you make a complaint to the Standards Committee, it must be about why you think a Member has breached the Code of Conduct. We will provide you with a copy of our Code of Conduct at this stage.

4.10.5 In this instance you should submit your written complaint to: -

The Monitoring Officer,
Council Offices
Riverside House,
Main Street,
Rotherham
South Yorkshire
S60 1AE

Tel. 01709 382121

5.0 Solution of your Complaint

- 5.1 Following our investigation and deliberations, if your complaint is upheld, we will try to solve the problem.
- 5.2 We will apologise and explain what went wrong.
- 5.3 We will do our best to provide the service you are entitled to receive.
- 5.4 We will change procedures where relevant so that the mistake is not repeated.

6.0 What you should do if you are unhappy with how your complaint has been dealt with

- 6.1 If you believe that we have not handled your complaint in accordance with our procedures, you can ask us to review whether we have followed them correctly.
- 6.2 We will let you know that we have received your request to review your complaint within seven working days and then your complaint regarding the Council's alleged breach of procedures will start again at stage 2.
- 6.3 You cannot however complain further to the Council based on the decision we have reached providing that we have correctly followed our procedures.

7.0 Complaining to someone other than the Council

- 7.1 If you are not satisfied with how your complaint has been handled, you can complain directly to the Local Government Ombudsman.
- 7.2 You must submit your complaint in writing and complaints must be made within 12 months of notice of the matters which are subject to the complaint.
- 7.3 The Ombudsman may decide to investigate how your complaint has been handled or pass it back to us if he feels that we have not been given the opportunity to try to resolve the issue.
- 7.4 You can contact the Ombudsman as follows -:

The Local Government Ombudsman

PO Box 4771
Coventry
CV4 0EH

Phone: 0845 602 1983.