

# EUXTON PARISH COUNCIL

## **COMPLAINTS POLICY**

### 1. Introduction

Euxton Parish Council aims to provide a quality service to customers, service users, partner organisations, employees, councillors and members of the public. This procedure is in place to efficiently deal with complaints received by the Council.

### 2. Complainants and Complaints

Local councils are not subject to the jurisdiction of the Ombudsman. Complaints may be submitted to the Standards Board England where there is perceived to be a breach of the Code of Conduct for Parish Councils<sup>1</sup>.

Complaints may be received for any number of reasons and from different sources:

#### Complainant

Customer (eg. resident, public)  
Partner organisation (eg. Chorley Council)  
Employee  
Councillor  
Other source

#### Complaint

About a Council service or provision  
Against an employee  
Against a Councillor  
Other reason

### 3. Complaint Criteria

A complaint made to the Council must satisfy the following criteria:

- arises out of actions, decisions or failures to act or decide by the Parish Council regarding functions, powers or duties of which it has statutory powers to be involved with
- must be made within one year of the incident or problem
- must be made in writing and sent to the Clerk of the Parish Council

The complaint procedure will be suspended if a complaint progresses down these routes:

- the employee disciplinary procedure is invoked as a result of a complaint
- the Local Government Code of Conduct is found to have been breached in the case of a complaint against a Councillor

### 4. Progression of a Complaint

The aim, when receiving initial complaints, is to resolve them quickly, directly and at the lowest possible level. The attached procedure sets out the route a complaint will follow.

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<sup>1</sup> (version applicable at the time)

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## **COMPLAINT PROCEDURE**

1. If a complaint cannot be satisfied in full immediately the complainant shall be asked to put the complaint in writing to the Clerk of the Council, or the Chairman if they indicate they would prefer not to submit it to the Clerk.
2. On receipt of a written complaint, the Clerk/or Chairman, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant. If the complaint is in respect of a complaint about the behaviour of the Clerk to the Council or a Councillor then it shall not be settled without first notifying the person complained of and giving them an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk to the Council or Chairman receives a written complaint about his own actions, they shall immediately refer the complaint to the Council.
3. The Clerk/or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with a complainant.
4. The Clerk/or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council, and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered.
5. The council shall consider the complaint and make a decision about a course of action to be taken.
  - 5.1 If, the Council decides the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public then it will exclude these from the meeting and quoting the exemption clause.
  - 5.2 If the matter is a complaint of such that the Council or Clerk believes the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is about an employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to be able to attend and have a representative present/or to act (as set out in the Employment Relations Act 1999 s.10). The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the route or action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
  - 5.3 If legal, procedural or other advice is needed before making a decision, this will be sought and the complaint heard at the next meeting following receipt of the advice.
6. The decision of the Parish Council will be notified in writing to the complainant as soon as is practicably possible, a letter will be sent to explain if there will be a delay.
7. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council should consider taking legal advice before writing any letters to the complainant.
8. The Parish Council will not reconsider a complaint, which it has already investigated, and for which no new information or factors are submitted.