

## WINSTON PARISH COUNCIL COMPLAINTS PROCEDURE

### Introduction:

Winston Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

### Definition of "Complaint":

Winston Parish Council have adopted the Local Government Ombudsman's (LGO) definition of a complaint as being *"an expression of dissatisfaction (either written or verbal) 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"*.

### Issues Covered and Not Covered Under Complaints Procedure:

This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

This Complaints Procedure does NOT apply to:

- Financial irregularity – this will be referred to the Council's Auditor / Audit Commission;
- Criminal activity – this will be referred to the Police;
- Member conduct – this will be dealt with in accordance with the Winston Parish Council Code of Conduct. If you wish to make a complaint about an individual Councillor failing to follow the Code of Conduct you must write to – The Monitoring Officer, Durham County Council, County Hall, Durham. The Monitoring Officer can only deal with complaints about the behaviour of

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a Councillor. It will not deal with complaints about matters that are not covered by the Council's Code of Conduct.

- Employee conduct – this will be dealt with in accordance with Winston Parish Council's disciplinary procedure. A complaint against a member of the Council staff could result in disciplinary action, or in cases of gross misconduct dismissal from the Council's employment. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of staff.

**The Parish Council will not acknowledge or consider, under any circumstances complaints that submitted anonymously.**

Stages in Complaints Procedure:

Winston Parish Council have a 3 stage complaints procedure whereby issues are resolved by:

1. Informal Stage - The Parish Clerk; then
2. Initial Formal Stage - The Parish Clerk and Chair; then
3. Final Formal Stage - The Full Council.

Stage 1: Complaints Handled by the Parish Clerk:

- 1.1. It is hoped that most complaints can be resolved quickly and amicably at this stage.
- 1.2. A complaint can be made by telephone, email or letter to The Parish Clerk, Winston Parish Council, c/o Mense House Farm, Lartington, Barnard Castle, County Durham DL12 9DW / 01833 650699 / ayretj@aol.com .
- 1.3. The complaint will be handled by the Parish Clerk.
- 1.4. If this approach does not resolve the complaint, or that the initial complaint is so serious, then Stage 2 the Initial Formal Stage process should be followed.

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Stage 2: Initial Formal Stage – The Parish Clerk and Chair:

- 2.1. The Parish Clerk is responsible for managing the complaints process. The Parish Clerk is the Proper Officer of the Council. However, if a formal complaint is being raised against the Parish Clerk, then the process should still be followed, but the Chair of the Council would take the place of the Parish Clerk in managing the process.
- 2.2. A formal complaint must be submitted in writing to the Council's correspondence address (stated in Stage 1 above), addressed to the Parish Clerk or Chair as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
- 2.3. The Parish Clerk or Chair will acknowledge receipt of the complaint within 10 working days.
- 2.4. The Parish Clerk or Chair will carry out an initial investigation into the complaint and will within 20 working days provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed.
- 2.5. The Parish Clerk or Chair will report to the Full Council, summarise details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainant(s) and any Council staff involved.
- 2.6. If the Parish Clerk or Chair is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next Full Council meeting.

Stage 3: Final Formal Stage – The Full Council:

- 3.1. The complainant will be invited to attend a meeting of the Full Council and be given the opportunity to bring with them a representative if they wish. The complainant will be given 14 days notice of the meeting.
- 3.2. 7 clear working days prior to the meeting, the complainant shall provide the Council, via the Parish Clerk or the Chair, with copies of any documentation or other evidence relied on. The Council shall provide the complainant copies with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.
- 3.3. At the next Full Council meeting, the Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the

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- press. As far as possible the Council carries out its business in public, matters that involve individual identified members of staff, may require the exclusion of the press and public.
- 3.4. The Chair shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting will be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
    - a. The complainant (or representative) shall be invited to outline the grounds for complaint and members given the opportunity to ask any question of the complainant.
    - b. If relevant, the Parish Clerk will explain the Council's position and the Council shall ask any questions of the Parish Clerk.
    - c. The complainant is to be offered the opportunity of a last word as a means of summing up their position.
    - d. The Parish Clerk is to be offered the opportunity of a last word as a means of summing up their position.
  - 3.5. The Parish Clerk and complainant shall be asked to leave the room while Councillors 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.
  - 3.6. In any case both parties return to hear the decision, or to be advised when the decision will be made.
  - 3.7. The decision will be confirmed in writing within 10 working days together with details of any actions to be taken.
  - 3.8. The announcement of any decision will be made in public, at the next Full Council meeting.

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