

**PROCEDURE: Complaints Council Staff, Service Providers,
Administration and Procedures**

PURPOSE: Melbourn Parish Council provides services to the community. We try to get our service delivery right every time but there are occasions when users of our services may be dissatisfied with our performance. If that happens, the Council wants to put things right and ensure that mistakes do not recur in the future.

This document explains what to do if you are dissatisfied with an aspect of our administration, procedures or the actions of any of the Council's employees or service providers.

SCOPE

This procedure does not cover complaints about the conduct of a Member of Melbourn Parish Council.

If your complaint is about a Councillor, please follow the procedure described in 'Complaints Procedure: member of Melbourn Parish Council'.

If your complaint is about a **financial irregularity**, use the formal complaint route described below. If you are not satisfied with the answer you receive, ask the Clerk for details of the Council's External Auditor and raise your concerns with them.

If you wish to complain about a **minor matter or need for repair to property owned or operated** by the Parish Council, please contact the Parish Clerk. This type of complaint will normally be dealt with directly by the Clerk without any need for a response.

If your complaint concerns any **criminal activity**, it should be made directly to the police.

The best way to make a complaint is through the Parish Clerk.

You may complain to a Councillor but, under the legislation governing Parish Councillors, a Councillor has no authority to act as an individual and must refer the matter to the Clerk.

Informal Complaint

We hope that most complaints can be resolved quickly and amicably through this route.

Informal complaints can be made by telephone, e-mail or a visit to the Parish Office. The complaint will be handled by the Clerk.

If you feel that an informal complaint has not resolved the issue or if the initial complaint is serious, then the formal complaints process should be followed.

Formal Complaint

A formal complaint must be made in writing. To register a written complaint, please obtain and complete a copy of the Council's **complaint form** (Appendix A) and then return it to the council's address by post or e-mail. This should be addressed as 'Confidential – Formal Complaint' unless the complaint concerns the Clerk.

If your complaint concerns the Clerk, it should be sealed and addressed to the Chair of the council and clearly marked "Council Chair - Private and Confidential".

If the complaint is not recorded on the form, you will be asked to do this. Receipt of the complaint will be acknowledged within 3 working days.

The Clerk will keep a log of formal complaints received by themselves and the Chair.

The Clerk will carry out an initial investigation into the complaint and will, within 10 working days, provide you with an update on progress or a suggested solution. If you are satisfied with the resolution, the complaint is closed. The Clerk will report to the Council a summary of the complaint and its resolution. This will be recorded in the minutes¹. If you do not wish your name to be included in the summary, please indicate this on the complaint form.

If your complaint concerns an employee of the Council, the complaint may be resolved or it may be treated as an internal disciplinary matter to be dealt with under the MPC Disciplinary Procedure.

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to a meeting of the Parish Council's Review Panel.

The Review Panel is described in the Box on page 4.

Impact on Council staff or Service Provider

A formal complaint is a serious matter. A complaint against a member of the Council's 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 its staff or service provider. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Cont'd

¹ Certain types of Human Resource or other sensitive issues may under certain parts of legislation be exempt from publication.

Anonymity

The Council will not consider, under any circumstances, informal or formal complaints which are submitted anonymously.

Document Approval:

Chair: 

Date of Parish Council Meeting: 9 January 2017

Review Policy: Every 12 months

THE REVIEW PANEL

The Review Panel is a properly formed committee of the Parish Council. There will be 5 members. Three members will review a complaint. The Panel will consist of the Chair and Vice Chair of the Council and 3 other councillors²

Arrangements for minute taking will be reviewed when a meeting is called. It is expected that the Panel will meet within 7 working days of being notified by the Clerk. However, in the case of a complex complaint or the absence of a member of staff or service provider involved in the complaint, it may take longer.

Prior to the meeting

Seven clear working days before the Review Panel meets, the complainant will provide the Parish Council with copies of all documentation or other evidence they intend to introduce to the meeting. The Parish Council will do the same for the complainant.

At the meeting

1. The complainant can be accompanied by one other person
2. The Chair of the Panel will introduce everyone and explain the procedure. The meeting should be as informal and friendly as possible, without prejudicing the need to consider the complaint properly.
3. The complainant (or representative) will be invited to outline the grounds for complaint and panel members given the opportunity to ask questions.
4. If relevant, the Clerk will explain the Council's position and panel members can ask the Clerk questions.
5. The complainant is given an opportunity to sum up their position.
6. In the case of a HR complaint the employee or service provider is offered an opportunity to sum up their position.
7. The Clerk is offered an opportunity to sum up their position or, in the case of a HR complaint, their investigation.
8. All except panel members leave the room. Panel members decide whether or not grounds for the complaint have been made. If there is a need for clarification, all parties should be invited back. All parties return to hear the decision, or to be advised when the decision will be made.

² Not members of the HR panel if the complaint involves an employee of service provider

MELBOURN PARISH COUNCIL COMPLAINT FORM
(Note: You may have assistance when completing this form)

A. Your details

Please provide your name and contact details. Anonymous complaints will not be considered.

Title:	
First Name:	
Last Name:	
Address:	
Contact Telephone:	
Email Address:	
Signature:	
Date of Complaint:	
Did you have help completing this form:	Yes/No

Your address and contact details will not usually be released unless this is necessary to deal with your complaint.

A copy of your complaint will be shared with any employee(s) or service providers about whom you are complaining.

If you have serious concerns about your name and a summary or details of your complaint being released, please complete **Section C** of this Form and discuss your reasons or concerns with the Council's Clerk or Chair.

B. Making your complaint

Please explain in the Box overleaf the nature of your complaint. If the allegation(s) made occurred more than 28 days ago, clearly explain why the complaint was not made at an earlier date.

You should provide any relevant background information or other relevant documentary evidence to support your complaint.

If you are complaining about more employees or service providers, you must name them. If you are complaining about more than one employee or service provider, you should clearly explain what each individual has done, with dates and witnesses to substantiate the alleged action.

It is important that you provide all the evidence you wish to have taken into account in order for the Clerk or Chair to decide whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging.
- You should provide the dates of any alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged incident and provide their names and contact details if possible.

Please provide the details of your complaint. Continue on a separate sheet if there is not enough space on this form

C. Confidentiality of complainant and the complaint details**Only complete this next section if you are requesting that your identity is kept confidential**

In the interests of fairness and natural justice, an employee or service providers who is complained about has a right to know who has made a complaint and the substance of the allegation(s) made against him/her. Your personal details or the details of your complaint are unlikely to be withheld unless there are justifiable grounds to do so, for example:

- you may be victimised or harassed by the employee(s) or service providers against whom you are submitting a written complaint (or by a person associated with him/her) and there are reasonable grounds for this view; or
- you believe you may receive less favourable treatment from the Council because of the position of the employee(s) or service providers against whom you are submitting a written complaint in relation to any existing Council service provision or any tender you are submitting or contract you have with the Council.
- you have an occupation which may put you at risk if published personal information may enable 3rd parties to identify you.

Please note that requests for confidentiality or requests for the suppression of the personal or complaint details will not be granted automatically. The Review Panel will consider the request along with your complaint and the Clerk will contact you with the decision. If your request for confidentiality is not granted, usually you will be allowed the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained of is serious - an investigation (or other action) may proceed and there may be no choice but to disclose your personal and complaint details, in view of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe your name and/or the details of your complaint should be withheld:

Continue on separate sheet(s), as necessary