



# Stratfield Mortimer Parish Council

## Complaints Procedure

### 1. Introduction

The Parish Council is committed to providing a quality service for the benefit of all those who live or work in its area or are visitors to the locality. 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, for any number of reasons.

A complaint is defined as any oral or written expression of dissatisfaction, whether justified or not, from or on behalf of a person about the provision of, or failure to provide, a Council service or a redress determination.

This procedure is for complaints about the administration of the council or about its procedures. It does not relate to certain complaints, in which case the table below should be followed:

Complaint Type	Process
Financial irregularity	Local electors have a right to object to the Parish Council's audit of accounts further to s.16 Audit Commission Act 1998
Criminal activity	Refer to police
Conduct of a councillor	Complaints alleging a breach of the Parish Council's Code of Conduct should be addressed to the Monitoring Officer at West Berkshire District Council

The Clerk to the Council is responsible for managing all complaints unless the complaint is about the Clerk, in which case the Chairman of the Council will deal with it.

In **all** cases, the processes as detailed below will be followed.

### 2. Who to contact

The [Clerk][Chairman] of the Council (*Chairman if the complaint is about the Clerk*)  
 Stratfield Mortimer Parish Council  
 Parish Council Office  
 27 Victoria Road  
 Mortimer  
 Reading  
 RG7 3SH  
 Email: [the.clerk@stratfield-mortimer.gov.uk](mailto:the.clerk@stratfield-mortimer.gov.uk) or [chairman@stratfield-mortimer.gov.uk](mailto:chairman@stratfield-mortimer.gov.uk).

### **3. Confidentiality**

All complaints are treated with confidentiality with due regard for people's privacy. The Council is not at liberty to discuss a complaint with a third party.

### **4. Vulnerable Complainants**

Where a complainant is considered to be in a potentially vulnerable position, a careful assessment of their individual circumstances must be made to ensure their subsequent fair treatment during the complaints process. Where we suspect that a complainant, we are dealing with is vulnerable, ensure that this is noted in the complaint notes. In these cases, it is important we do not contribute to any further suffering or financial detriment. Once a complainant has been identified as vulnerable, or potentially vulnerable, it is important that we adopt a flexible approach to ensure fair and consistent treatment.

### **5. Receipt of a complaint**

If a complaint is received verbally or in person via a visit to the Council's office in the library, take down full details and make notes of your understanding of the complaint (including the date and the time that the complaint was received). If a complaint is received via a Councillor this must be passed to the Clerk immediately to review, categorise as informal or formal and handle accordingly.

### **6. Acknowledging a complaint**

The Clerk will send an acknowledgement response to the complainant in a prompt manner. This will usually be within 5 working days of the complaint being received unless the complaint has been resolved to the complainant's satisfaction prior to this.

The acknowledgement letter must contain the following:

- Acknowledgement of the complaint and the date it was received
- A copy of the Complaints Procedure
- A statement as to when the complainant can expect our response

### **7. Informal Complaint**

Informal complaints are those designated by the complainant themselves as informal. It is hoped that most complaints can be resolved quickly and amicably through this route.

Informal complaints can be made by telephone, email or a visit to the Council's office in the Library. The complaint will be handled by the Clerk (\*but if a complaint is made about the Clerk it will always be dealt with by the Chairman under the formal process).

On occasions where the informal approach has not resolved the complaint, or the initial complaint is sufficiently serious, then the formal complaints process should be followed.

## **8. Formal Complaint**

A formal complaint is a complaint designated by the complainant as formal, one of sufficient seriousness as categorised by the Clerk upon receipt or an informal complaint that has not been possible to resolve through the informal process.

### **8.1 Submission**

A formal complaint should be submitted in writing to the Council's Office (see above), addressed to the Clerk (or the Chairman if the complaint is about the Clerk), marked "Formal Complaint". Alternatively, the Clerk or Chairman may be emailed (see above) using the same title on the email.

The complaint should cover as much detail as possible and enclose any relevant supporting documentation. It will be acknowledged in due course.

### **8.2 Investigating the complaint**

The Clerk/Chairman will carry out an initial investigation into the complaint and, within ten working days, will either provide the Complainant with a suggested resolution or an update on progress.

In order to ensure that complainants are treated fairly and to identify the potential root cause, it is extremely important that a full and thorough investigation takes place in every instance. This may involve requesting historical records, liaising with Councillors etc. It is imperative full records should be made of all investigation work. Any documents used in the investigation should be saved as evidence. Where telephone conversations have taken place, concise notes outlining the discussion and any decisions made, along with a rationale for that decision, should be noted.

### **8.3 Resolving a complaint**

If the Complainant is satisfied with the suggested resolution the complaint is closed and the Clerk/Chairman will report to the Council including summary details of the complaint and a brief summary of its resolution (but excluding the name of the Complainant and, if the complaint is made against a specific Councillor or Councillors, their name/s).

A Final Response will be issued to the complainant and should include the following:

- Inform the complainant if their complaint is upheld / not upheld and the offer of any redress if appropriate, together with reasons as to how the decision was reached.
- Inform the complainant how to pursue the complaint if they remain dissatisfied via the Complaints Panel

## **9. Escalating a complaint: Complaints Panel**

If the Complainant is not satisfied with the suggested resolution, or if the Clerk/Chairman believes that the complaint is sufficiently serious, a Complaints Panel will be constituted.

### **9.1 Procedure**

The Panel will comprise four members of the Council who have not had any involvement with the subject of the complaint.

In addition, at the discretion of the Clerk/Chairman, a Councillor who is not a member of the Panel may be asked to investigate and present their opinion of the complaint.

### **9.2 Meeting**

1. The Panel will appoint a Chairman from amongst its members.
2. Members of the Complaints Panel introduce themselves to the Complainant.
3. The Complainant will set out their complaint and explain what action they want the Council to take.
4. Where relevant the nominated Councillor will present their report on the matter.
5. The Panel and the Complainant will have an opportunity to ask questions of each other and of the nominated Councillor.
6. The Complainant will have the opportunity to sum up their case.
7. The meeting will close.

### **9.3 Decision**

Following the meeting the Panel will consider its decision and Chairman of the Panel will provide the Complainant with that decision, in writing, within five working days of the meeting.

There is no further right of appeal.

## **10. Persistent or Prolific Complainants**

Some complainants do not accept the Council's response and do not wish to take their complaint to the Ombudsman. These complainants may become persistent, writing to the Council in respect of a complaint the Council considers resolved.

A procedure exists for managing correspondence from persistent and/or prolific complainants. This procedure recognises that genuine issues must be resolved but provides processes to manage continuing repetitive correspondence. Such complaints should be discussed with the Clerk in the first instance.

## **11. Unsubstantiated complaints and abusive complainants**

An unsubstantiated complaint is one where the complainant or their representative has offered no evidence to permit the authority to investigate a complaint (for example, they may claim discrimination, but cannot supply evidence which demonstrates how the discrimination has occurred). The authority will not investigate a complaint where the complainant offers no evidence to support their case. The complainant should be notified of any decision not to proceed with an investigation.

The Council reserves the right to refuse to accept phone calls or emails from complainants or representatives who are, or have become, abusive to the Clerk or members of the Council, or who exhibit challenging behaviour which makes it difficult or impossible for the Clerk to engage with them. Such complainants will be asked to communicate only by letter, and representatives may be asked to cease representation. These steps will be taken by the Council under their right to protect officers in their employment from harassment and abuse.