



COMPLAINTS PROCEDURE – ADOPTED 5th October 2021

1. COMPLAINTS ABOUT THE COUNCIL AS A WHOLE

- 1.1 Pickmere Parish Council is committed to providing a quality service for the benefit of its residents or visitors to the parish. 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, its administration, or its procedures this Complaints Procedure sets out how you may complain to the Council and how the Council will try to resolve your complaint.

What is a complaint

- 1.2 The Parish Council will investigate a complaint from a person, or their nominated representative, if it is one of the following:
- An expression of dissatisfaction about the failure to provide or meet the expected standard of a service.
 - Neglect or delay in responding to a contact with the Council.
 - Failure to observe the Parish Council's policies or procedures.
 - Discourteous or dishonest conduct by a member of staff.
 - Harassment, bias or discrimination.

This policy does not cover complaints about:

- Financial irregularity because these are handled by the Council's own auditor
- Criminal activity because these matters are handled by the Police
- Council employee grievances because these are handled separately by the Council
- The conduct of individual Council Members in relation to the Nolan principles because these are handled by the Monitoring Officer of Cheshire East Council (see further below).

Complaint process

- 1.3 The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures.

Stage 1: Informal Resolution

- 1.4 If you wish to make a complaint it should be addressed to the Clerk in writing and sent by email or by post. Where appropriate the Council will make reasonable adjustments to accept complaints received otherwise.
- 1.5 On receipt of a complaint the Clerk, as proper officer of the Council, will seek to resolve the complaint directly with the complainant on an informal basis. This will be done with reference to established policies and the standing orders of the Council. These are available on the Parish Council's website. The Clerk cannot uphold the complaint if these policies and Standing Orders have been adhered to.

Timescales

- 1.6 On receipt of the complaint the Clerk will seek to acknowledge the complaint promptly. The Clerk will provide the complainant with the Council's complaint policy and will confirm their understanding of the complaint. The Clerk will endeavour to deal with the complaint under this informal procedure within 20 working days of receipt.

Complaint about the Clerk

- 1.7 Any such complaint should be addressed in writing to the Chair of the Council. The Chair will follow the procedure described below for informally resolving the complaint, substituting for the Clerk as appropriate.

Resolution of complaint

- 1.8 The Clerk will obtain any further information as necessary from the complainant or councillors before making an assessment based on the Council's established policies and standing orders. The complainant will be informed of the Clerk's assessment and conclusions.
- 1.9 Although this process is on an informal basis, the Parish Council will be advised at the earliest opportunity that a complaint has been received and will be notified of the outcome.
- 1.10 The identity of the complainant will not be revealed outside the Council, unless the complainant is content that this should happen. Consequently, the Council may consider it appropriate for any related matter that it considers to be dealt with on the Private part of the Council's meeting agenda.
- 1.11 If the complainant is dissatisfied with the outcome of the informal resolution they can request to proceed to the formal complaint procedure. To be considered for this stage 2 procedure the complainant will be required to provide new evidence or evidence that the Clerk has not considered the complaint appropriately.
- 1.12 A request for escalation to the formal complaint procedure should be made within 15 working days of receiving the informal complaint outcome provided by the Clerk.
- 1.13 At the Clerk's discretion the Clerk may submit the initial complaint directly to the Stage 2: Formal Complaints Procedure rather than seeking to resolve the matter informally.

Stage 2: Formal Complaints Procedure

- 1.14 A Stage 2 formal complaint will be considered by the full Council, unless the Council by resolution decides that it should be handled by a committee of the Council provided with full delegated powers to consider the complaint.
- 1.15 The Clerk or Chair will acknowledge receipt of the Stage 2 complaint. The complainant will also be advised as to whether the complaint will be treated as confidential or whether notice of it will be given in public.
- 1.16 The Council may defer dealing with any written complaint if it is of the opinion that issues of law or practice arise on which professional advice is required. The Council may by resolution appoint an independent person to assist the Council (or appointed Committee) as an independent impartial arbitrator or adviser.
- 1.17 The complainant will be invited to attend a meeting with the Council or any appointed Committee and may bring with them a friend for support if they so wish. Five clear working days prior to the meeting the complainant and the Council via the Clerk shall exchange copies of any documentation or other evidence which will be relied upon.

1.18 The meeting will follow the following format:

- The Chair will introduce everyone and explain the procedure.
- The complainant will outline the grounds for complaint. Thereafter questions may be asked by the Clerk and/or members of the Council.
- The Clerk will explain the Council's position in relation to policies and standing orders. Questions may be asked by the complainant and/or members of the Council.
- The complainant will be offered the opportunity to summarise their position.
- The complainant will then be asked to leave the room whilst the members deliberate on the complaint. The complainant may be asked back if there is any clarification required.
- The Council will endeavour to arrive at a decision on the day. If they are unable to complete their deliberation and make their decision at that time, the complainant will be advised when the decision is likely to be made and how and when it will be communicated to them.
- In any event the decision will be communicated to the complainant as soon as possible, together with the rationale for the decision and an explanation of any further action that may be required.

1.19 Any decision taken by the Council regarding a complaint will be considered as final and there is no further right of appeal.

Unreasonable and Vexatious Complaints

1.20 If a complainant unreasonably persists in pursuing a complaint where a Council has already taken fair and proportionate action or where some other process and recognised procedure has been taken then the Clerk may consider that the complaint is vexatious, oppressive or an abuse of procedure. In such circumstances the Clerk reserves the right to manage correspondence with the complainant which may include only replying to correspondence if it is appropriate to do so. Unnecessarily argumentative or abusive or unreasonably derogatory correspondence will be ignored. Any complaint in relation to the conduct of the Clerk in such circumstances will automatically be considered vexatious. Unreasonable conduct from a complainant may also include the receipt of multiple emails and emails copied into other parties not directly relevant to the Parish Council and may result in the further emails to the Council being blocked. Further correspondence will then only be accepted in writing sent by post.

Anonymous Complaints

1.21 Anonymous complaints will not be considered.

2. COMPLAINTS AGAINST INDIVIDUAL COUNCILLORS

2.1 Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council. The Code is based on that published by Cheshire East Council, which is the Parish Council's 'principal authority'. The Code is based on – and the actions of councillors judged against – the following core principles of public life, usually referred to as the 'Nolan Principles':

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

- 2.2 In some cases it will not be clear whether the complaint being made against a councillor is in relation to any of the principles listed above. In its advice to local councils, NALC points out that during the course of daily business, minor complaints may be made to councillors or the Clerk about the services the Council provides and that a Council, and in particular the Clerk, may receive queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints.
- 2.3 It may also be that it is in the interest of the complainant/commenter to try to resolve the matter informally through normal channels of communication, rather than deferring to formal complaints procedures. If therefore a comment is made by a member of the public about a specific councillor or councillors, unless it is clear from the outset that it is essentially a complaint that the councillor(s) have not acted in accordance with any of the above listed Nolan principles, then it will be subject to the following informal procedure.
- 2.4 The comment or complaint should be referred to the Clerk, who will seek to clarify with the complainant the nature of the complaint being made. Normally if the complainant wishes to make a formal complaint, this will be required to be made in writing.
- 2.5 The Clerk will, having sought to clarify the nature of the complaint, make a judgement as to whether it comprises a complaint that one or more of the Nolan principles has been breached. The Clerk may seek to explore with the complainant whether there is some action that the Council could take to resolve the complainant's concern. Such processes should be carried out in a prompt and timely manner.
- 2.6 If it appears from liaison with the complainant that the matter can be resolved without incurring the formal complaint procedure described below, then the Clerk will seek to secure such a resolution. If however this does not appear possible and in any case if it is judged that the complaint does relate to an alleged breach of one or more of the Nolan principles, then:
- The complainant will be advised by the Clerk that the matter cannot be dealt with by the Parish Council and that the complaint should be referred to the Monitoring Officer of Cheshire East Council, who will then pursue that Council's formal procedure for dealing with such matters.
 - In such a case, the Clerk will report at the earliest opportunity to Council on the receipt of the complaint, for the Council to note that the matter has been referred to CEC. Normally such a report would be considered as an item on the Private agenda of the council meeting.
- 2.7 Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Cheshire East Council.