

## **MESSINGHAM PARISH COUNCIL**

### **COMPLAINTS Code of Practice and Procedures**

Messingham Parish Council believes a complaints procedure demonstrates that the Council:

- Wishes to provide a good service;
- Values feedback;
- Undertakes its business in an open and honest manner;
- Wishes to deal with complaints fairly.

The Council believes that complaints and suggestions provide a valuable opportunity for improving its services and performance.

#### **What is a complaint?**

For the purposes of the Council's procedure, a complaint is defined as:

An expression of dissatisfaction about the standard of service, actions or lack of action, by the Council or its staff that affects an individual, group or organization.

This definition covers most complaints – e.g.

- Dissatisfaction with the administration of policy and decisions;
- Delays in responding to service requests;
- Failure to achieve standards of service;
- Failure to fulfil statutory responsibilities;
- Employees' behaviour or attitude.

#### **How we deal with complaints**

1. If a complaint about procedures or administration is notified orally to a councillor or the Clerk to the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint **in writing** to the Parish Clerk and will receive an assurance on receipt that the matter will be dealt with promptly.
2. Most complaints will be reviewed by the Parish Clerk whose responsibility it is to investigate, as necessary, and respond as quickly as possible.
3. In normal circumstances a response should be sent within 10 working days. Where this is not possible an interim response should be sent giving an indication of when a full reply can be expected.
4. If unresolved, the complaint will be considered by the Finance and Personnel Committee, and a full response given to the complainant.
5. As soon as may be after the decision has been made, the decision and nature of any action to be taken shall be communicated in writing to the complainant.
6. If a complainant is dissatisfied with the response, this fact should be drawn to the attention of the Chairman of the Council by the Parish Clerk.
7. In consultation with other Members, as necessary, and after obtaining any further relevant information, the Chairman will issue a further response.
8. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council will consider taking legal advice before writing any letters to the complainant.

## **Excluding the press and public**

The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is a complaint of the Clerk to the Council such that the Council or the Clerk to the Council believes that the matter may lead to a disciplinary hearing then matter must be heard with the press and public excluded. In this event, if the complaint is of any 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 have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council committee in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be done on a separate occasion in the proper manner.

## **Complaints about Members of Messingham Parish Council**

All Councillors have signed an undertaking that they will observe the Council's Code of Conduct. The Code – which is the Model Code of Conduct for Members approved by Parliament – specifies Councillors obligations. Alleged breaches of the Code must be reported in writing to the North Lincolnshire Council's Standards Committee.

## **Deferral**

Messingham Parish Council will only defer dealing with a written complaint if it is of the opinion that issues of law or practice arise on which advice is necessary from ERNLLCA.

The complaint shall be dealt with at the next meeting after advice has been received.

Adopted: 14<sup>th</sup> November 2016 – Minute ref. 1287/124c  
Last Reviewed: 15 May 2023 - Minute ref. 1724 13e)  
Next Review: May 2024