

Dunsfold Parish Council

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Clerk to the Council: Celeste Lawrence

COMPLAINTS PROCEDURE

INTRODUCTION

Dunsfold Parish Council aims to provide an excellent service to parishioners and visitors to the parish. However, there may be occasions when things go wrong and, when this happens, we want to hear about it and work with you to resolve any issues you may have.

To ensure all reported problems are dealt with appropriately, effectively and speedily we have in place a three-stage complaints procedure. This procedure aims to investigate all complaints impartially and, where possible, to find a local solution, to the satisfaction of both the complainant and the Parish Council.

There are certain types of complaint that are not within the scope of the Parish Council, and these are listed below.

DEFINITION OF A COMPLAINT

Perceptions differ widely, making it difficult to give a precise definition. Largely speaking a complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council's actions, or lack of action, or standard of service. This applies whether the action was taken or the service was provided by the Council itself, or by a person or body acting on behalf of the Council. For example:

- The Council has failed to do something that it has a duty to do, or normally does as a matter of established practice;
- The Council has done something it has no right to do, or does not normally do as a matter of established practice;
- An adopted procedure is not followed;
- Satisfactory levels of service are not reached;
- An action is not properly communicated;
- The conduct or behaviour of an employee is not satisfactory.

SCOPE

The complaints procedure covers all complaints regarding services and actions provided by the Parish Council. The following types of conduct are outside the scope of the Parish Council's complaints procedure, although the Parish Council can advise on alternative options:

- Financial irregularities are usually dealt with by the Audit Commission, contact details are at the end of this document.
- Criminal activity should be reported to the Police.
- A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Office at Waverley Borough Council.
- Conduct of an employee of the council is a matter for internal disciplinary procedure as set out in the employment contract of the individual.

CODE OF CONDUCT

Councillors are required to observe a 'Code of Conduct' which has been adopted by the Council of which copies are available from the Parish Council.

If you feel a Councillor has broken any of these rules, you can complain to the Borough Monitoring Officer. For this purpose, a complaint form and information on the process is available from the Borough Council or the Parish Clerk. The Monitoring Officer may, at his discretion, escalate the complaint to The Standards Board for England, an independent body responsible for promoting and maintaining ethical standards for councillors. Full information about The Code of Conduct can be found on The Standards Board's website at

<http://www.standardsboard.gov.uk/CodeofConduct/>.

COMPLAINTS PROCESS

Reporting the Problem

The first step towards making a complaint is to inform the Parish Council. To do this, you should contact the Parish Clerk, who is the proper officer of the Council and is responsible for ensuring complaints are dealt with appropriately and as quickly as possible.

The Parish Clerk can be contacted by letter, telephone or email. Contact details are to be found at the top and end of this document.

You will need to provide your name, address and as much information about the nature of the complaint as possible. All complaints, other than those made by telephone, will receive an acknowledgement, usually within three working days.

In many cases, it will be possible for an issue to be dealt with immediately, so resolving your complaint.

For more complex issues you should put the details in writing, both for the record and so that the Parish Council has all the facts to enable a thorough investigation to be undertaken. Investigations will be dealt with as quickly as possible and, under normal circumstances, you will receive a written response within 15 working days.

The Parish Council maintains a register of all complaints, including dates of report and resolution, details of the complaint, name of the complainant and the action(s) taken to resolve the issue. This register is available for inspection by all members of the Parish Council. In any event, serious complaints will be reported to the full Council and you will be advised if this is applicable for your complaint.

If the complaint involves the Parish Clerk personally, the complaint should, in the first instance, be addressed to the Chairman of the Parish Council, whose contact details are to be found at the top and end of this document.

If the issues the subject of your complaint cannot be resolved immediately, then the formal complaints process will commence, as follows:

Stage 1 – Mediation

1. Initially this council will try to settle complaints in an informal way, discussing the issues and suggesting resolutions. In the first instance you should contact the Parish Clerk who will arrange an initial meeting, often involving all relevant parties.

1. This is an important part of the complaints procedure and we urge everyone to take part in the mediation stage as many problems can be settled here, so you need not go through the full, formal complaints procedure.

Stage 2 – Lodging a Formal Complaint

If, following mediation, your problem is not resolved then you can pursue the complaint more formally, putting your complaint in writing to the Parish Clerk or the Council Chairman, as appropriate (see above).

1. You will receive a formal acknowledgement of your written complaint and you will be advised when the matter will be considered by the council. You will also be advised whether the complaint will be treated as confidential and the relevant meeting procedures.

1. The complaint will be submitted to the full Council for investigation.

1. You will be required to provide the council with copies of any documentation, or other evidence relied on, seven clear working days prior to the meeting. Likewise, the Council will provide you with copies of any documentation they will rely on at the meeting. If the Council is found to be at fault, every effort will be made to resolve the issue to your satisfaction.

Stage 3 – Meeting Procedure

At the meeting the Parish Council will consider whether the circumstances of the complaint warrant the exclusion of the public and the press. However, any decision on a complaint will be announced at the council meeting and in public.

1. The Chairman will introduce everyone and explain the procedure.

1. You, or your representative, will be asked to outline the grounds for complaint. Subsequently, questions may be asked by first the Parish Clerk or other nominated officer and then by members of the Council.

1. The Parish Clerk or other nominated officer will explain the Council's position and questions may be asked by you and then by members of the Council.

1. Both you and the Clerk will have the opportunity to summarise your respective positions following which you both will be required to leave the meeting while members decide whether grounds for the complaint have been made. If a point of clarification is necessary, then both you and the Clerk will be invited back into the meeting.

1. You will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day you will be advised when the decision is likely to be made and when it is likely to be communicated to you.

1. When made, the decision will be confirmed in writing within seven working days, together with the details of any action to be taken.

Stage 4 – Remedies

Wherever possible when the Council is found to be at fault, actions will be taken or changes effected to resolve the problem.

Where a subsequent action does not provide a resolution, Section 92 of the Local Government Act 2000 gives councils the power to make payment in cases where it is considered –

- a. that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
- b. that a person has been, or may have been, adversely affected by that action.

Where subsequent actions or the passage of time prevents resolution, other actions may be appropriate and may include making a payment commensurate with restoring a complainant to a situation he or she would have been in if the fault had not occurred.

In considering a local settlement, the remedy must be appropriate to the injustice and may be reduced where the complainant has contributed to the injustice suffered.

Stage 5 – Referral to the Borough Monitoring Officer

If, following the process described in Stage 2, you are not satisfied with how the Council have dealt with your complaint, it will be referred to the Borough Monitoring Officer by the Council for a further independent investigation. If you are still not satisfied, the Monitoring Officer may refer your complaint to the next meeting of the Standards Committee. This does not happen in all cases, and the Monitoring Officer will tell you if this option is open to you.

If you need help filling in the complaint form a member of the Borough Council staff can help you. You could ask a friend or relative to help you, or you could ask Citizens Advice Bureau. Contact details are all at the end of this document.

THE GOVERNMENT OMBUDSMAN

If you are still not happy with the situation after Stage 5, you can complain to the Local Government Ombudsman, whose contact details are at the end of this document. You can complain directly to the Ombudsman at any time, but he will usually only investigate your complaint if you have been through the Parish and Borough Councils' complaints systems first. So, if you complain to them before you have been through our complaints system, they will usually refer your complaint back to us to give us a chance to investigate it.

ASSISTANCE OR ADVICE RELATING TO PROCEDURES OR A COMPLAINT

If you need any help or general guidance about the Parish Council's procedures or about any specific complaint, please contact the Parish Clerk.

CONTACT DETAILS

Clerk to Dunsfold Parish Council

Dunsfold Parish Council
Unit 3, The Orchard
Chiddingfold Road
Dunsfold
Surrey
GU8 4PB
T: 01483 200980
E: dunsfoldparishclerk@btinternet.com

Dunsfold Parish Council Chairman

Dunsfold Parish Council
Unit 3, The Orchard
Chiddingfold Road
Dunsfold
Surrey
GU8 4PB
T: 01483 200980
E: dunsfoldparishclerk@btconnect.com

The Monitoring Officer

Waverley Borough Council
Council Offices
The Burys
Godalming
Surrey
GU7 1HR
T: 01483 523333
E: enquiries@waverley.gov.uk
W: <http://www.waverley.gov.uk>

The Standards Board

Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB
T: 0161 817 5300
E: enquiries@standardsboard.gov.uk
W: <http://www.standardsboard.co.uk>

The Audit Commission

Local Government Directorate
Audit Commission
First floor
Millbank Tower
Millbank
London
SW1P 4HQ
T: 0845 052 2616
F: 0845 052 2602

The Citizens Advice Bureau

10 Queen Street
Godalming
Surrey
GU7 1BD
T: 0844 848 7969

Local Government Ombudsman

Advice Team T: 0845 602 1983

