

# *Great Bedwyn Parish Council*

PO Box 4326. Marlborough Wiltshire. SN8 9FS  
email: [clerk@greatbedwyn-pc.gov.uk](mailto:clerk@greatbedwyn-pc.gov.uk)  
Facebook page: Great Bedwyn Parish Council  
Website: [www.greatbedwyn-pc.gov.uk](http://www.greatbedwyn-pc.gov.uk)

The following Code of Practice in Handling Complaints is based on a model code promoted by the National Association of Local Councils.

This protocol can be given out to members of the public on request.

From time-to-time members of the public have complaints about the Council's administration or procedures. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred. Therefore it is recommended for transparency in local government, and for the benefit of good local administration, that a standard procedure is adopted for considering complaints.

Great Bedwyn Parish Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

## **2 Information for the Complainant**

It is hoped that any complaints can be satisfactorily resolved at a local level but complainants should bear in mind that even if a complaint is upheld, the Council does not have the authority to formally discipline a Councillor for breach of the Code of Members Conduct.

For complaints about Councillors, the complainant is welcome and encouraged to contact the Chairman or the Leader of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Members Code of Conduct.

Formal Complaints in respect of Councillors and for breaches of the Code of Conduct should be directed to the Wiltshire County Council Monitoring Officer.

Any complaint about a Council employee will normally be dealt with as an employment matter in accordance with the employee's Contract of Employment and the Council's disciplinary and capability procedures.

The terms of this Protocol are specifically deemed **not** to apply to any matters raised by employees of the Parish Council, for whom alternative channels of communication and approved means of redress apply.

The terms of this Protocol are specifically deemed **not** to apply to any matters raised by Members of the Parish Council, who would otherwise have a conflict of interest, and who have alternative channels of communication.

The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.

What is deemed not to be a complaint?

- Dissatisfaction of a decision of the Council
- Comments either commendatory or critical where the complainant does not wish to take the matter further
- Reports of a single breach of a service standard.
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans.
- Concerns regarding matters which are the responsibility of another body
- Criticisms of a policy adopted by the Council

### **3 Procedure**

All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.

If you want someone else, for example a friend, relative or representative, to complain to us on your behalf, we will work with them to resolve your complaint. However, we will always need to have evidence that you have given your permission for someone else to complain on your behalf.

This is a two stage procedure, and it can be used for most concerns you wish to raise.

#### **Stage 1 - Informal Complaints**

We hope that most complaints can be resolved at the first stage of the complaints procedure

Complaints may be given orally or in writing to any Officer or Councillor.

It is hoped that the complaint can be dealt with at an informal local level in consultation with the employee to whom it refers.

When you first make a complaint we should acknowledge receipt of it within 2 working days, and let you know when we think we will be able to give you a full response.

The timescale for responding to Stage 1 is 20 working days. In some circumstances this can be extended to 30 working days. If the Chairman or Clerk deems that more time is required, you will be contacted and advised of when you can expect a response and the reasons for the delay.

## **Stage 2 – Formal Complaint**

If after receiving the response at Stage 1, the complainant remains unhappy, they can escalate the matter to Stage 2 - Formal Complaint.

The timescale for responding to Stage 2 is 30 working days. In some circumstances this can be extended to 40 working days. If the investigating officer requires more time, you will be contacted and advised of when you can expect a response and the reasons for the delay.

We understand that you want your complaint resolved and we want to ensure you get a response as soon as possible. However to ensure all elements of your complaint are considered, we have to ensure that a thorough investigation is undertaken, that all information has been provided to us and that any legal requirement has been looked at. Only then can we produce a comprehensive and considered report for you.

In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant.

A Formal Complaint with the Council should be submitted in writing (letter, or e-mail) to the Chairman or Clerk.

The letter or e-mail must state that a Formal Complaint is being made and include the following information:

- Name, address, and telephone number of the complainant
- Who is the complaint about or the full nature of what the complaint is about
- How the issue has affected the complainant
- Copies of any relevant documents
- Details of third parties and their involvement
- What action the complainant believes might resolve the complaint

The Chairman or Clerk will within two working days appoint an “Investigating Officer” who will conduct any investigation needed and be given authority to interview any staff.

The Investigating Officer will undertake any and all investigations needed, make all necessary records of the progress of the investigation and report to the Chairman or Clerk in writing within fifteen working days of being instructed.

The Chairman or Clerk will review the submitted report within three working days of receiving it and may conduct further interviews if considered necessary or authorise further investigations, to be completed within the same time period.

The Chairman will then determine the complaint and if upheld will authorise any relevant remedial action needed, including any change to procedure, or reject the complaint completely.

In either case the complainant will be informed of the decision in writing within 30 working days of the Formal Complaint being received.

#### **4 Complaints Panel**

If you remain unhappy with the council's response at the end of Stage 2, you can request in writing that the Parish Council's committee Chairmen are convened and consider the complaint.

On receipt of the request for referral of the complaint to the Complaints Panel, the Chairman will acknowledge the letter and advise that the Complaints Panel will call a meeting to discuss the complaint within 21 days of receipt of the letter.

Any complainant has the right to appoint a professional representative, or any other person, to act on their behalf or accompany them in which case all correspondence will be addressed to the representative and not directly to the complainant.

The Complaints Panel is made up of Councillor's who are the heads of the various committees within the Parish Council.

The complainant will be notified of the date of the meeting and asked for their comments, evidence and documentation in writing prior to the meeting. They or their representative will be able to address the Panel however must leave the room whilst the Panel considers the complaint and its decision and response. The Panel must establish at its meeting whether there is a factual basis to the complaint and, if so, what action should then be taken.

Once a decision has been made the complainant will be advised verbally and within 7 days. The recommendations of the Panel will be sent in writing to the complainant.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The complainant will be advised in writing of this delay. The advice will be considered and the complaint dealt with at the next appropriate meeting.

#### **5 Appeals**

No appeal will be considered in relation to the operation of this Protocol and there is no further appeal about the complaint to any other Panel, Sub

Committee or Committee, or to the Parish Council. Any rights or protection under statute are not affected by this.

**6 Data protection - Recording of Complaints**

When you make a complaint, we will log information about your complaint and your name and contact details. Information will only be collected and stored for the purposes of dealing with your complaint and improving our services. The record will note the nature of the complaint, the reasons for the decisions made and what actions might need to be taken in the future (if any). Your complaint and details will be treated confidentially.

**7 Equality and diversity complaints (including complaints relating to allegations of discrimination or discriminatory behaviour)**

If in receiving a service from us, you feel you have experienced any form of unlawful discrimination or unfair treatment on the grounds of your race, gender, disability, sexuality, faith/belief or age you can make a complaint using the corporate complaints procedure.

In these cases we will put your complaint straight through to Stage 2 of the corporate complaints procedure.

If the complaint relates to staff conduct and behaviour the Chairman will consider the details of the complaint and decide what the most appropriate way to investigate the complaint.

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