**WHISTON PARISH COUNCIL**

**COMPLAINTS PROCEDURE**

1. On receipt of a complaint, the clerk, in consultation with the Chairman will determine the category of the complaint and take the relevant action with reference to the following:

***Complaint category Action***

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|  | **Complaint category** | **Action** |
| A | Financial irregularity | The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk/RFO may need to consult the auditor/Audit Commission.  If the complainant is not satisfied, the Clerk/RFO should advise the complainant of the local elector’s right to object. |
| B | Criminal activity | The Clerk should refer the complainant to the Police |
| C | Member conduct | If the complaint refers to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the Borough Council’s Monitoring Officer. |
| D | Employee conduct | As an internal disciplinary matter, this should be dealt with under the council’s disciplinary procedure |
| E | Other | Should be dealt with in accordance with the complaints procedure subject to initial assessment. |

**Initial Assessment - Category E Complaints**

2. Category E Complaints are defined as any expression of dissatisfaction by one or more members of the public about the Council’s action or lack of action or about the standard of a service.

3. Category E Complaints will be considered at the discretion of the clerk, in consultation with the Chairman of the Council. After consultation with the Chairman, the clerk will only invoke the Councils Complaints Procedure and take further action where it is considered appropriate in all the circumstances. Complaints will be assessed as inappropriate if any of following apply (this is not an exhaustive list):

* where the complaint relates to a decision of the council which is over 12 months old.
* where insufficient information has been provided by the complainant for the committee to deal with the complaint.
* where the complaint is considered to be repetitive or broadly similar to previous complaints by the complainant about the same matter which have been addressed by the council or committee.
* where the complainant is considered vexatious, politically motivated or malicious in accordance with relevant Local Government guidance.
* where the complaint is considered frivolous or where the complaint is abusive or threatening.
* where the complaint is considered inappropriate in all the circumstances.

If a complaint is not considered appropriate in accordance with Clause 3, the clerk will write to the complainant and advise that no further action will be taken. If the complainant is unhappy with the assessment of the clerk they can ask for the decision to be reviewed by members of the Council, normally at the next ordinary meeting..

4. Subject to Clause 3 the complainant should be asked to put the complaint about the Council’s action or lack of action or standard of service in writing to the clerk or other nominated officer at the address below or electronically by email to [whistonparishcouncil@hotmail.co.uk](mailto:whistonparishcouncil@hotmail.co.uk)

The Parish Hall

Well Lane

Whiston

S60 4HX.

5. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the Chairman to the Council.

6. All complaints received will be acknowledged within seven days and a copy of this procedure will be forwarded to the complainant

**Assessment Procedure- How we will deal with a complaint**

6. Subject to Clause 3 the clerk, in consultation with the Chairman of the Council, shall acknowledge receipt of the complaint and shall address the complaint by way of written correspondence.

7. If the complainant is unhappy with the written decision of the clerk and Chairman they can request that it can be reviewed by the Council.

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**Stage 1**

8. In the first instance the Clerk will investigate and respond, and will try their best to resolve the complaint if their investigation finds that there is a genuine problem.

9, Where it has not been possible to resolve the complaint the complainant will be entitled to ask for the complaint to go on to Stage 2.

10. Where the complaint relates directly to the behaviour of the Clerk or the Chairman then the complaint will automatically be referred to stage 2 without further discussion or investigation.

11 The Council will endeavour to provide a full response to complaints within ten working days. If this is not possible the complainant will be advised and provided with an estimate of when a full response will be given.

**Stage 2**

12 At this stage the complaint will be referred for consideration on the agenda of the next Council meeting

13. The Council will consider whether the contents of the complaint warrants the exclusion of the press and public, but any decision on the complaint will be recorded in the minutes.

14. The Council will, if necessary, establish a panel of Councillors to investigate the complaint fully and report back to the Council with their recommendations, if its felt that it cannot be dealt with without further information.

Solution of your Complaint

15. Following our investigation and deliberations, if your complaint is upheld, we will try to solve the problem.

16. We will apologise and explain what went wrong.

17. We will do our best to provide the service you are entitled to receive and will change procedures where relevant so that the mistake is not repeated.

**What you should do if you are unhappy with how your complaint has been dealt with**

18 If you believe that we have not handled your complaint in accordance with our procedures you can ask us to review whether we have followed them correctly.

19 We will let you know that we have received your request to review your complaint within seven working days and then your complaint regarding the Council’s alleged breach of procedures will start again at stage 2.

20 You cannot however complain further to the Council based on the decision we have reached providing that we have correctly followed our procedures.

21. The Chairman of the Committee should introduce everyone and explain the procedure.

22. The complainant should outline the grounds for complaint and, thereafter,

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***Post Meeting Procedure***

23. The decision should be confirmed in writing within fourteen days together with details of any action to be taken.