



HANDLING COMPLAINTS POLICY

Adopted by Swanmore Parish Council: 16th May 2017

Reviewed and updated: 25th October 2022

Objective

1. The Parish Council's objective is to fulfil its statutory duties in an efficient, cost effective and civil manner, and within its powers seek to influence other statutory bodies and agencies for the benefit of parishioners in relation to services. On occasion parishioners may feel the Council has not met these goals. The objective of the Handling Complaints Policy is to put things right when they go wrong, and to prevent mistakes recurring.

What Constitutes a Complaint against a Parish Council

2. A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council's action or lack of action, or about the standard of service delivered by the Council. The complaint may relate to an action taken, or a service provided by the Council itself, or a person or body acting on behalf of the Council.

Complaints against Swanmore Parish Council

3. A complaint against Swanmore Parish Council may arise for reasons in paragraph 2 above. It may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.
4. When a complaint is made against Swanmore Parish Council, member(s) of the Council or staff are likely to be mentioned or complained about. However, a complaint against the Council should be treated as a complaint against the body corporate of the Council and not as a complaint against individual member(s) of the Council or staff.

Complaints against Council Staff

5. A complaint against Swanmore Parish Council that involves a complaint about the conduct of its employees must be handled in accordance with its complaints procedure. If, following the outcome of the complaint, the Council decides that they need to take disciplinary action, this should be in accordance with its internal disciplinary procedure, as found in Swanmore Parish Council's Disciplinary and Grievance Policies.
6. Members are free to raise matters of concern in respect of Council business by the submission of motion(s) on the agenda for relevant meeting(s) where the issue can be formally considered and resolved. Alternatively, if a member has concerns about the conduct of a member of staff, he/she should notify the Councillors with responsibility for staff management. The Councillors with responsibility for staff management will then decide whether the member's concerns raise disciplinary issues to be dealt with in accordance with the Council's disciplinary procedure.

Nature of Complaint

7. Before making a complaint it is important to contact the Executive Officer to ensure Swanmore Parish Council is the responsible body to handle the complaint.

The way in which a complaint is handled is dependent on the nature of the complaint; different types of complaint will be handled in different ways.

All complaints must be communicated in writing. The following table summarises how different types of written complaint will be handled by the Council.

Nature of the complaint	How to complain	Who to complain to	Who will deal with your complaint
The Council's <ul style="list-style-type: none"> • Processes • Procedures • Services 	The Executive Officer will provide you with a Complaint Form. Complete the Form and add any other relevant evidence to support your claim.	The Executive Officer	You will receive a written reply from the Executive Officer. The matter will be reported to the Council. If your concern has been debated at a Council meeting, the Executive Officer's response will be based on the decision of the Council.
Financial Irregularity	The Executive Officer will provide you with a Complaint Form.	The Executive Officer/ Responsible	The matter will be reported to the Council and the Executive Officer/ Responsible Financial Officer will respond to your concerns.

	Complete the Form and add any other relevant evidence to support your claim.	Financial Officer of the Council	If you are not satisfied you can report the matter to the External Auditor: PKF Littlejohn LLP, 15 Westferry Circus, London, E14 4HD.
Conduct of the Executive Officer or other Council employees	In writing to the Chairman. It should be sealed and marked "Private and Confidential." Emails should be marked "Confidential to the Chairman."	Chairman	The complaint may be resolved or escalated and treated as an internal disciplinary matter, to be dealt with under the Council's employee disciplinary procedure. In the event that the matter escalates, the Council will provide a copy of the disciplinary procedure on request.
Criminal Activity	In writing, including any relevant evidence to support your concern.	The Police	The Police Depending on severity, the matter may go to court.
Conduct of a Councillor	This type of complaint needs to be referred in writing to the Monitoring Officer at Winchester City Council, as Swanmore Parish Council has no power to investigate the conduct of one of its own elected members.	The Monitoring Officer at Winchester City Council. Guidance Notes on making a complaint against a Councillor can be found via the following link: https://www.wincchester.gov.uk/Councillors-committees/code-of-conduct	The Monitoring Officer. The Monitoring Officer notifies the Executive Officer of the complaint, who in turn notifies the Council. Matters may be lengthy if an investigation is undertaken. If the district Council decides that the Councillor has failed to comply with his/her Council's code of conduct, it will notify the Councillor and the Parish Council of its decision. The district Council can take no direct action against the Councillor. Responsibility for deciding what action to take against the Councillor, if any, rests with the Parish Council. It may, for example, decide to censure the Councillor, remove him/her as its

			representative on an external body, request the Councillor attend training or apologise. A Parish Council cannot suspend or disqualify a Councillor from office.
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Data Protection and Confidentiality

8. To ensure compliance with its obligations in the Data Protection Act 1998, Swanmore Parish Council will not disclose the identity, contact details or other personal data about an individual complainant unless he/she consents or disclosure is otherwise fair and lawful under the 1998 Act. E.g. for the purpose of discharging the Council's functions, or for the performance of contractual obligations.

9. A complaint against Swanmore Parish Council is personal to the complainant and will be treated as confidential unless the complainant confirms that he/she waives his/her right to confidentiality. The meeting of the relevant committee or sub-committee considering the complaint or inviting the complainant to make representations will need to exclude the public. This would not preclude the committee or sub-committee from inviting the complainant to speak at the meeting, or requesting the attendance of the Executive Officer (or other nominated officer) to represent the position of the Council.

Receipt of the Complaint

10. The Executive Officer or other nominated officer (or if the complaint concerns them, the chairman of the Council or committee established for the purposes of hearing complaints) will
 - a. Acknowledge receipt of the complaint in writing within 7 days
 - b. Confirm to the complainant if the complaint will be treated as confidential
 - c. Confirm the next steps in the complaints procedure.

11. The committee established for the purposes of hearing complaints will usually be the Finance Committee.

Investigating the Complaint

12. The Council will need to investigate the facts of the complaint and collate relevant evidence.

13. The complainant shall be invited to attend the relevant meeting and bring with him/her such representative as they wish.

14. 7 clear days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which he/she wishes to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.
15. The Council reserves the right to engage with external legal advisors where necessary to receive legal advice in relation to the complaint.

Meetings with the Complainant

16. The Executive Officer or nominated officer, or chairman of the Council or complaints committee, will explain how the meeting will proceed.
17. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Executive Officer or other nominated officer or members if this is a meeting of the complaints committee.
18. The Executive Officer or other nominated officer (or if the complaint concerns them, another member of staff or a Councillor) will have an opportunity to explain the Council's position and questions may be asked by the complainant.
19. The Executive Officer, other nominated officer and/or chair of the complaints committee, and then the complainant will be offered the opportunity to summarise their respective positions.
20. The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

After the Complaint has been Decided

21. Within the above timeline, the Council will write to the complainant to confirm whether or not it has upheld the complaint. The Council will give reasons for its decision together with any action to be taken by the Council if this is appropriate.
22. Where the complaint relates to the Council's processes, procedures or services or the conduct of the Executive Officer or other Council employees, the decision of the Council is final with no right of further appeal.
23. Where the complaint relates to financial irregularity and the complainant is unhappy with the Council's decision, they can report the matter to the Councils' external auditors who are PKF Littlejohn LLP, 15 Westferry Circus, London, E14 4HD.

Unreasonable and Vexatious claims

24. There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

25. These matters should be referred to the Executive Officer with a summary of the issues and of the attempts made to resolve the complaint. She/he may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

Anonymous complaints

26. Anonymous complaints should be referred to the Executive Officer and may be acted on at her/ his discretion according to the type and seriousness of the allegation.



Complaint Form

This form should be completed further to reading Swanmore Parish Council's Handling Complaints Policy.

Executive Officer: Tracey Molloy

Address: Suite a, Hollythorns House, New Road, Swanmore, Southampton, SO32 2NW

Email: clerk@swanmorepc.org.uk

Date	
Your Name	
Address	
Postcode	
Daytime phone number	
Evening phone number	
E-mail	

Nature of Complaint - please give details of:	
1. What you wish to complain about to the Parish Council.	
2. When & where the situation took place including if possible details such as time, day, date & location.	
3. The names & if possible contact details of any others involved.	
4. In your opinion, what action or decision would resolve the matter?	

5. Do you want your complaint to be treated confidentially?	

To register a complaint please complete & return this form with any other information you wish to provide to support your complaint to the Executive Officer at the above address.

Please continue your comments on a separate sheet if necessary.