

Great Tey Parish Council

Complaints Policy

The Complaints Policy outlined by Great Tey Parish Council reflects a structured and transparent approach to addressing concerns raised by the community regarding the Council's services, actions, and decision-making processes. The policy is designed to ensure complaints are handled consistently, fairly, and in line with legal requirements. Below is an elaboration on this policy, with reference to relevant legislation and best practices in public administration.

Introduction: Commitment to High-Quality Services

The Council emphasizes its commitment to providing high-quality services and values feedback as a means to improve performance. By offering a clear procedure for lodging complaints, the Council signals its openness to scrutiny and its intent to respond proactively to public dissatisfaction. Such a policy enhances transparency and builds trust between the Council and the community.

The feedback loop created by complaints not only helps resolve individual issues but also informs the Council's continuous improvement strategy, promoting its aim to be a top-performing council.

Scope of the Complaints Procedure

The policy applies to complaints regarding:

- **Council administration and procedures**, which includes issues related to how the Council functions or its decision-making processes.
- **Conduct of Council employees**, focusing on service quality and how specific employees manage public interactions.

However, the policy clearly outlines that certain complaints are outside its scope, such as:

1. **Employee grievances**: These are handled under a separate Grievance Policy, ensuring that employment disputes follow structured internal procedures that align with labour laws like the Employment Rights Act 1996 (UK).
2. **Complaints against Councillors**: Such complaints fall under the Code of Conduct for Members and should be directed to the Monitoring Officer at Colchester City Council. The Code of Conduct is governed by the Localism Act 2011, which provides a legal framework for addressing misconduct by elected officials.

Allegations of Financial Irregularity

For complaints regarding financial misconduct, the policy refers to the Accounts and Audit Regulations 2015. Under Section 17(c) of these regulations, local electors can raise objections to the Council's annual accounts on two grounds:

- **Unlawfulness**: If an item in the accounts is considered illegal.
- **Public interest**: If there is an issue in the accounts that the external auditor should bring to public attention via a public interest report.

The contact for such concerns is the Council's external auditor, PKF Littlejohn LLP. This aligns with broader public finance legislation aimed at ensuring the financial accountability and transparency of public bodies like town councils.

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Criminal Activity

Any allegations of criminal activity should be reported directly to the Police. The policy advises contacting the police on 101, the non-emergency number, reinforcing that the Council has no jurisdiction over criminal matters. This is in line with the Council's legal obligations to cooperate with law enforcement agencies where applicable.

Complaints About Council Decisions

Citizens who disagree with Council decisions are encouraged to raise concerns before the Council votes on a matter, allowing their input to potentially influence the outcome. This may be done by:

- Writing to the Council in advance of meetings.
- Participating in the public participation section of meetings, a right guaranteed by various local government laws, including the Local Government Act 1972, which promotes public involvement in council meetings.

If an individual remains dissatisfied with a decision after it has been made, the policy indicates that Standing Orders—rules governing council procedures—prevent the matter from being reopened for six months unless exceptional grounds exist. This prevents unnecessary reconsideration of decisions and ensures procedural efficiency.

Handling Complaints

The policy outlines a two-stage process for handling complaints, aimed at ensuring timely and impartial investigation:

Stage One: Informal Resolution

Initially, the complainant is encouraged to contact the Parish Clerk informally to resolve the issue. This approach aligns with good practice in complaint management, where early informal resolution often leads to faster and more satisfactory outcomes without requiring a formal investigation.

Stage Two: Formal Complaint

If the informal approach is insufficient, the complainant can escalate the matter by making a formal written complaint. The policy emphasizes:

- Complaints should ideally be submitted using a Complaints Form but can also be made through other methods.
- The Council is committed to acknowledging receipt of the complaint within five working days and aims to provide a written response within ten working days.

If the complainant is dissatisfied with the Stage One outcome, they can request a review at Stage Two, where the case is reviewed by three Councillors with no previous involvement. This ensures independence in the review process, consistent with principles of natural justice and impartiality.

In cases where sufficient Councillors cannot be found, the policy allows for the involvement of a Councillor from another parish, ensuring the process remains objective and fair.

Stage Two: Review Process

The purpose of the Stage Two review is to ensure that all issues raised by the complainant were adequately investigated during Stage One and that any unresolved concerns are addressed. The review must also be completed within a reasonable timeframe (usually 20 working days), ensuring procedural fairness and timeliness.

Legal Framework for Complaints Handling

Several legislative provisions inform the Council's Complaints Policy, including:

- The Local Government Act 1972, which grants citizens the right to attend meetings and inspect records, ensuring transparency in local government decision-making.
- The Public Services Ombudsman Act 1967 (or equivalents in devolved administrations), which provides a mechanism for individuals to escalate complaints about local authorities to the Ombudsman if internal complaint procedures fail.

In addition, the Local Government and Social Care Ombudsman (LGSCO) in the UK offers guidance on complaints handling and investigates unresolved complaints about public bodies. However, the Ombudsman typically expects that internal complaints procedures, like the one outlined here, are fully exhausted before they will intervene.

Confidentiality and Fairness

The policy guarantees that complaints will be handled with confidentiality and sensitivity, particularly in relation to personal data, which must be managed in compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). This ensures that the complainant's privacy is respected throughout the process.

Conclusion

Great Tey Parish Council's Complaints Policy is a well-structured framework that ensures accountability, fairness, and transparency in dealing with public complaints. By offering a clear two-stage process, it ensures timely responses, provides avenues for review, and aligns with relevant legislation such as the Accounts and Audit Regulations 2015 and the Localism Act 2011. Through this policy, the Council demonstrates its commitment to improving services and maintaining trust with its community.