

Binfield Parish Council

Complaints Policy and Procedure



1. PURPOSE

- 1.1 The purpose of this policy and procedure is to set out how Binfield Parish Council responds to all complaints from all with whom it has an external relationship, including suppliers, contractors, members of the public, local authorities and others. It is to ensure that all are treated fairly and equally and to receive the best service from the Council. This policy should be read and used in conjunction with the Council's General Data Protection Regulation Policies, Freedom of Information Policy (as yet unadopted), Social Media Policy and the Equality Policy. Complaints from employees or councillors will be managed using the grievance and/or disciplinary policies as appropriate.
- 1.2 In the first instance all complaints will be handled informally in the hope that the matter can be resolved. Should this fail the Complaints Policy and Procedure and Disciplinary Policy should be implemented as appropriate.

2. SCOPE

- 2.1 All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be required to adhere to this policy regarding all complaints. A complaint is an expression of dissatisfaction, whether justified or not, with the Council's standard of service, behaviour of staff in delivering that service or any action, or lack of action, by the Council in the delivery of its services by its staff or contractors that the complainant would like to make an official complaint.
- 2.2 These complaints should not be confused with dissatisfaction expressed with the council and its services that are dealt with by the Clerk and staff as part of their routine work.

3. GENERAL RULES

- 3.1 Complaints from all parties, excluding those covered by clause 2.2, however received, should be acknowledged as soon as possible to the address or email given and within the target response time of three working days. Anonymous complaints will not be considered.
- 3.2 All complaints will be treated in confidence by the Council and in line with this policy and procedure. With any verbal complaints that are received, the complainant will be asked to put the matter into writing and submitted by either letter or email or notes taken and agreed with the complainant.
- 3.3 All complaints will be considered equally and not less favourably because of any of the nine protected characteristics which are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation; ethnic origin; nationality.

4. TIMESCALES

- 4.1 An acknowledgement will be sent within 3 working days.
- 4.2 A full response will be sent within 30 working days. This allows for the Council's meeting cycle and will allow all Councillors to be aware of and review the matter.
- 4.3 In a complex case the full response time may need to be extended to ensure all necessary information is available. In this case the complainant will be advised on progress, give the reasons for the delay and kept informed of next steps.

5. PROCESS

- 5.1 As part of our commitment to Data Protection, name, address and details of any complainant will remain confidential to the Council employees and members who are dealing with the complaint. Identification

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information will only be shared with another organisation if it is necessary to do so as part of the information gathering related to the complaint.

- 5.2 A full investigation will be carried out to ensure the identification of the issues and evidence and the notification of those issues and evidence to the subject of the complaint for them to answer or justify.
- 5.3 Complaints about the Council's services
- 5.3.1 The complaint will be acknowledged and placed on the agenda for the next appropriate Council meeting or committee meeting as an item to be considered in part of the meeting closed to the public and press.
- 5.4 Complaints about the Council's Staff
- 5.4.1 The complaint will be acknowledged by the employee's line manager, or in the case of a complaint against the Clerk, the Chairman, and placed on the agenda for the next appropriate Council or committee meeting in part of the meeting closed to the public and press. As per 5.1, only the details of the complaint (not the complainant) will be included.
- 5.5 Complaints about the Council's Councillors
- 5.5.1 The complaint will be acknowledged and placed on the agenda for the next Council meeting in part of the meeting closed to the public and press. As per 5.1, only the details of the complaint (not the complainant) will be included.
- 5.5.2 If the matter is considered a breach of the Council's Code of Conduct by a member, it will be referred to the Monitoring Officer of the Bracknell Forest Council for advice.

6. REMEDIES

- 6.1 When things have gone wrong, the Council will:
- Accept responsibility and apologise
 - Explain what went wrong and why
 - Put things right by making any changes required
 - Learn lessons from mistakes and change policies and practices where proportionate and sensible to do so
- 6.2 Any sanctions applied must be proportionate and must be aimed at stopping the issue arising again and no more.

7. VEXATIOUS AND REPETITIVE COMPLAINTS, AND UNREASONABLE OR ABUSIVE BEHAVIOUR

- 7.1 All complaints will be dealt with in accordance with this policy. However, unreasonable or abusive complaint behaviour and vexatious and repetitive complaints can happen which can place strain on time and resources and can be stressful for those who have to deal with these complex and challenging issues.
- 7.2 In most instances when it is considered that someone's behaviour is unreasonable, the first response will be to explain why and ask them to change it. A warning will be given, in writing where appropriate, to warn them that, if the behaviour continues, action may be taken to restrict their contact with the Council.
- 7.3 Where the behaviour is so extreme that it threatens the immediate safety and welfare of employees, after discussion with the members of the Staffing Committee, the matter may be reported to the police or legal action may be taken. In such cases, prior warning may not be given to the complainant.
- 7.4 If action is deemed necessary restrictions imposed could include:

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- restricting telephone calls to specified days and limited times
 - limiting contacts to one form or frequency only (for example, a maximum of one letter or email a week)
 - requiring contact to take place with one named employee
 - requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
 - managing contact with the help of an independent advocate.
- 7.5 The objective is to complete consideration of the complaint in a managed way. The situation and restrictions imposed will be reviewed at a Council meeting.
8. DATA PROTECTION
Any personal or other data gathered will only be retained and used in accordance with the consent given and for the purpose for which it was given and in accordance with the Council's Information and Data Protection Policy and Data Retention Transfer and Disposal Policy.
9. REVIEW
The policy will be monitored and reviewed by the Clerk and considered for adoption by the Council annually.