



**RUSTINGTON PARISH
COUNCIL**

**COMPLAINTS PROCEDURE
POLICY**

1. Introduction

- 1.1 This Policy sets out the formal Complaints Procedure of Rustington Parish Council and has been reviewed under guidance of the NALC Legal Topic Note (LTN) 9E - Handling Complaints (England), published in October 2022.
- 1.2 This Policy covers all activities of the Parish Council and may be used by members of the public who have a specific complaint about the conduct, administration or operation of the Council.
- 1.3 This Policy does not cover complaints against services or actions for which the Parish Council is not responsible such as those provided by District, County or Central Government, to whom the complaint must be made direct.
- 1.4 A complaint can be defined as: "A complaint is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council."
- 1.5 This procedure does not cover complaints about the conduct of Parish Council Members where a breach of the Parish Council's adopted Code of Conduct is alleged. These complaints must be made direct to the Monitoring Officer, at Arun District Council.

The address is: Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF.
The telephone number is 01903 737500.
- 1.6 A complaint against the Parish Council should be treated as a complaint against the body corporate of the Council, not as a complaint against individual employees or member(s) of the Council.
- 1.7 A complaint against the Parish Council is personal to the complainant and should be treated as confidential unless the complainant confirms that he/she waives their right to confidentiality.
- 1.8 All complaints must be made within 12 months of notice of the matters which are subject to the complaint.

2. Objectives of the Complaints Policy

- 2.1 The objectives of the Policy are:-
 - a. To provide the public with a formalised system if a complaint is made against the Parish Council.
 - b. To fix the timescales during which a complaint must be investigated.
 - c. To state how the complaint will be investigated.
 - d. To state who will investigate the complaint.
 - e. To formalise how the response to the complainant will be made.
 - f. To allow the Parish Council to review its procedures to prevent a further occurrence of this nature.

- g. To regard complaints as customer feedback to inform and allow the Parish Council to continuously improve.

3. Procedure for making a Complaint

- 3.1 Members of the public wishing to make a complaint must do so in writing by completing a complaint form. This may be downloaded from the Parish Council website or a paper copy may be requested from the Parish Clerk.

The completed form should be marked as “Confidential” and returned to the Parish Clerk at the Parish Council Offices, 34 Woodlands Avenue, Rustington, West Sussex, BN16 3HB or emailed to caroleward@rustingtonpc.org

- 3.2 When making a complaint the complainant is encouraged to give as much detail as possible, for example:-

- a. What service, policy, person or aspect of the Parish Council is the complaint about?
- b. If appropriate, the date, time and location where an incident may have taken place and who may have been affected.
- c. The expectations held of Parish Council services, particularly as a result of information provided or that staff or Councillors may have given.
- d. Name, address and contact details so that the Parish Council can respond to the complaint.
- e. Anything else which would help to make the point and the subsequent investigation.

4. The Complaints Procedure

- 4.1 Upon receiving a complaint the Parish Clerk, will designate a case officer to investigate the complaint which will be either herself or the Deputy Clerk.

The case officer will acknowledge the complaint in writing notifying the complainant of the details of the case officer, the predicted duration of the investigation (which should where possible be within ten working days) and whether the complaint is to be treated as confidential.

Where the complaint relates to the Parish Clerk the matter must always be referred to a Member’s panel as detailed at section 4.5.

- 4.2 The complaint will be kept on file and to comply with GDPR, the complainant will be notified of this and provided with a copy of the Parish Council’s Privacy Notice.
- 4.3 The complaint should be resolved and answered within ten working days. If this is not possible the complainant should be advised of this in writing within ten working days. Following investigation of the complaint the case officer must record the result and when the complaint has been investigated, write to the complainant with the results.
- 4.4 Where the case officer is someone other than the Parish Clerk and the complaint cannot satisfactorily be resolved the Parish Clerk will review the investigation and the outcome of the complaint.

- 4.5 Where the complaint involves the Parish Clerk or the Parish Clerk has investigated a previously unresolved complaint and the complaint cannot satisfactorily be resolved, a Panel will be convened comprising of three of the following Councillors:-
- Chairman of the Council
 - Vice-Chairman of the Council
 - Relevant Committee Chairman
 - Relevant Committee Vice-Chairman
- 4.6 The complainant should be informed in writing of the date of the Panel and should be invited to attend either personally or with a friend.
- 4.7 The Panel should be conducted in accordance with the National Association of Local Council's guidance as set out in Legal Topic Note 9E.
- 4.8 A Report on the Panel's judgement must be reported to the next Meeting of the appropriate Committee or Full Council.
- 4.9 The Panel hearing is the final stage of the Complaints Procedure. The Panel and Parish Council are not covered by the Local Government Ombudsman.

5. The Panel Hearing

- 5.1 The public and press are not permitted at Complaints Panel hearings. However, the Chairman of the Parish Council or Chairman of the relevant Committee will report on the complaint at the next appropriate Council or Committee Meeting.

The order of business for the Complaints Panel Meeting is in accordance with the National Association of Local Council's guidance as set out in Legal Topic Note 9 as follows:-

- a. Chair to introduce everyone.
- b. Chair to explain procedure.
- c. Complainant (or representative) to outline grounds for complaint.
- d. Members to ask any question of the complainant.
- e. If the Panel believe that the matter has legal or technical complexities, support, (in the form of advice and guidance) from a Senior Officer of the Council, who has not been involved, or in exceptional circumstances from another Council, will be sought.
- f. If relevant, the Parish Clerk or other proper Officer in attendance will explain the Parish Council's position.
- g. Members to ask any question of the Parish Clerk or other proper Officer.
- h. The Parish Clerk or other proper Officer and the complainant to be offered opportunity of last word (in this order).
- i. The Parish Clerk or other proper Officer and the complainant to be asked to leave the room while Members decide whether or not the grounds for complaint have been made. (If a point of clarification is necessary both parties to be invited back).

- j. The Parish Clerk or other proper Officer and complainant return to hear the decision or to be advised when the decision will be made.
- k. Following the conclusion of the Meeting the complainant will be advised of the decision of the Panel, which is final with no right of further appeal.

This will be confirmed in writing within 7 days with details of any action to be taken.

6. Contact Details

Address:-

Rustington Parish Council

34 Woodlands Avenue

Rustington

West Sussex

BN16 3HB

Telephone: 01903 786420

Email: enquiry@rustingtonpc.org

Website: www.rustingtonpc.org

(Adopted 22/03/2010)
(Revised 15/05/2023)