

CLAY CROSS PARISH COUNCIL

COMPLAINTS PROCEDURE

1. Introduction

2. The complaints procedure is for all complaints to the Council, whether these are minor, serious, informal or formal and apply to all services provided by the Council.
3. Separate arrangements as prescribed by law are in place in respect of Councillors. These arrangements are referred to in paragraph 7 below .
4. The Council believes that complaints can provide useful information and feedback on the quality of services, procedures and practices. The effective handling of complaints will help us to improve the services provided on behalf of residents, visitors and those working within the parish.

2. Aim

2.1 The aim is to swiftly investigate all complaints in an impartial manner and to find a solution locally, whenever possible, to the satisfaction of both the complainant and the Council.

3. Definition of Complaints

3.1 People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by Clay Cross Parish Council or any of its employees.

3.2 More specifically, a complaint is where:-

- The Council has not done something it has a duty to do or normally does;
- The Council has done something it has no right to do or does not normally do as a matter of established practice;
- The conduct or behaviour of an employee is unsatisfactory;
- The established levels of service delivery are not reached;
- A person does not understand or is not informed of why or how a situation arose or exists;
- An adopted and known procedure is not followed;
- Maladministration is alleged.

4. What to Do If You Have a Complaint

4.1 The first priority is to raise the issue with the Parish Council. To do this, please contact the Parish Clerk as quickly as possible, who is the officer responsible for dealing with these matters.

4.2 Your complaint should be made by telephone, email, in person or in writing, giving names and addresses and relevant dates with as much information as possible. The appropriate details for contacting the Parish Clerk are:

By telephone on 01246 862812

By email: clerk@claycross.gov.uk

By letter to: Clay Cross Parish Council, Clay Cross Social Centre, Market Street, Clay Cross, Chesterfield S45 9JE

4.3 In many cases, it will be possible for an issue to be dealt with straight away and the source of the complaint resolved immediately.

4.4 For more complex issues, it is much better to put these in writing so that a thorough investigation can be undertaken. Investigations will be dealt with as quickly as possible and under normal circumstances you should get a written response within 28 working days.

4.5 If the complaint involves the Parish Clerk personally, the complainant should address the complaint directly to the Chair of the Parish Council; contact details will be made available by the Parish Clerk or may be found on the Parish Council's website.

5. Putting Things Right

5.1 If, following the investigation into the complaint, the Council is found to be at fault, every effort will be made to resolve the complaint to the satisfaction of the complainant.

5.2 Where subsequent actions or simply the passage of time prevents restitution, other actions may be appropriate which may include a local settlement. A local settlement is defined as action taken to restore a complainant to a situation he or she would have been in if the fault had not occurred.

5.3 When considering a local settlement, the remedy will need to be appropriate to the injustice and may be reduced where a complainant has contributed to the injustice suffered.

6. What If You Are Not Satisfied?

6.1 Unlike for District or County Councils, there is currently no external agency or government body which can investigate a complaint if you are not satisfied with the initial consideration of your complaint. However, if you are not satisfied with action taken by the Parish Clerk, you should write to the Chairman at his or the Parish Council's address. The Chairman will review the complaint, and all of the paperwork relating thereto, and if he believes it appropriate will submit the complaint to Members of the Parish Council for consideration. Some Members of the Parish Council will not attend this review, as they will form an Appeals Panel in the event of an appeal against the decision.

6.2 In order to preserve any confidentiality issues, the Council will normally deal with your complaint in private session and your details will not therefore be released publicly.

7. What if you are not satisfied with the Parish Council's Decision (Appeal)?

7.1 If you do not agree with the decision of Parish Council Members as outlined in 6.1 above, you should appeal against the decision within 7 working days of the date of notification of the decision to the Parish Clerk. The complaint will then be reviewed by an Appeals Panel made up of Members who did not attend the initial review.

8. What If You Have a Complaint about the Behaviour of a Particular Councillor (or Councillors)

8.1 Councillors are required to observe a 'Code of Conduct'. If you feel a Councillor has broken any of the rules in the Code of Conduct, you can complain to the Monitoring Officer at North East Derbyshire District Council. This is an independent body responsible for promoting high ethical standards and also investigating allegations that Councillors' behaviour may have fallen short of the required standards. Details of how and where to complain may be found on the Parish Council's website at www.claycross.gov.uk or directly to North East Derbyshire District Council at <http://www.ne-derbyshire.gov.uk/council-democracy/councillors-democracy-elections/standards-of-conduct-in-local-government/complaints-against-councillors/>

9. What Type of Behaviour Is Covered By The Code Of Conduct

9.1 Broadly, the Code requires Councillors:-

- Not to discriminate unlawfully;
- To treat others with respect;
- Not to do anything to compromise the impartiality of Council employees;
- Not to disclose confidential information;

- Not to stop anyone gaining access to information they are entitled to;
- Not to conduct themselves so as to bring their office or the Council into disrepute;
- Not to use their position to improperly secure an advantage, or disadvantage, for anyone;
- Not to use the Council's resources for unauthorised political purposes;
- To declare any personal or prejudicial interest in any matter that comes before the Council and, if appropriate, not to take part in the decision. Where the interest declared is deemed to be prejudicial, Councillors are not permitted to take part in the decision on that matter;
- To register certain financial and other interests (a copy of the register is available for public inspection on the Parish Council's website).

9.2 A full copy of the Code of Conduct is available from the Parish Clerk or the website

10. Assistance or Advice relating to procedures or a complaint

10.1 If you need any specific help or general guidance about the Council's procedures or about any specific complaint, contact the Parish Clerk:

Address: Clay Cross Parish Council, Clay Cross Social Centre, Market Street, Clay Cross, Chesterfield S45 9JE

Telephone: 01246 862812

E Mail: clerk@claycross.gov.uk

Adopted: June 2024

Next Review: May 2027 or before if legislation dictates