

Clerk: Ms Sarah Willsher
Unit 2, Wheal Agar, Tolvaddon Energy Park,
Tolvaddon, Camborne TR14 OHX
Telephone: 01209 711433
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ILLOGAN PARISH COUNCIL

COMPLAINTS PROCEDURE

Introduction

Illogan Parish Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its members or employees. To address these issues the Council has adopted a procedure for the handling of complaints. This procedure allows people to have a form of redress to the Council if they feel they have a complaint or have been unfairly treated in their dealings with the Council staff, Councillors, the Council or its Committees.

When a complaint is made against the Council, member(s) of the Council or staff are likely to be mentioned or complained about. However, a complaint against the Council will 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.

Parish Councils are unable to lodge complaints as a public body (section 27 (1) of the Local Government Act 1974) about another local authority or public body defined at section 25 of the 1974 Act but this does not prevent individual councillors from making complaints about another local authority or public body in their personal capacity. In their official capacity, if so requested by member(s) of the public, a parish councillor could represent them in making complaints. Please note:

- Complaints must be made in writing;
- Complaints must be made within 12 months of notice of the matters which are subject to the complaint;
- Complainants must first give Illogan Parish Council notice of the complaint and give them adequate opportunity to investigate and reply to the complaint. This usually entails exhausting this complaints procedure;
- The Ombudsman may not investigate matters which are or have been subject to a right of appeal; and
- The Ombudsman may not investigate matters where the complainant has or has had a remedy by way of court proceedings.

What is a complaint?

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of 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.

Insurance

Occasionally it may be necessary to notify the Council's insurers of a complaint immediately, for example if the complainant seeks redress for personal injury, damage to property, other financial loss or where the Council is at risk of being held liable in law to pay damages or provide a legal remedy. In such circumstances the Council will be advised by its insurers as to how to deal with the complaint.

Who is this complaint procedure for?

This complaint procedure is for residents who live in or near the Parish of Illogan, other individuals, organisations or unincorporated bodies who are affected by the Council's decisions.

Where possible the Council will try to resolve issues informally through normal communication channels, rather than deferring to the formal complaint's procedure immediately.

Complaints about employee conduct

A complaint about the conduct of the Council's employees will be handled in accordance with this Complaints Procedure. If, following the outcome of the complaint, the Council decides that there may be a need to take disciplinary action, this will be in line with the Council's Disciplinary Procedure.

Whether the complaints procedure is appropriate

It will not be appropriate to deal with all complaints from members of the public under this complaint's procedure. The Council will engage other procedures/bodies in respect of the following types of complaint:

Type of Conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.
Criminal activity	The police
Member conduct	A complaint relating to a member's failure to comply with a council's code of conduct must be submitted to Cornwall Council.
Employee conduct	Internal disciplinary procedure

Members and Staff

This Complaints Procedure is not a means of redress for its members or staff. Members and staff are expected to work together professionally even if they hold different opinions and views.

Members can raise matters of concern in respect of Council business by the submission of a motion(s) on the agenda for the relevant meeting(s) where the issue can be formally considered and resolved.

If a Member has a concern about a member of staff, they should notify the Chairman and Vice Chairman of the Staffing Committee. The Staffing Committee is responsible for deciding whether the member's concerns raise disciplinary issues to be dealt with in accordance with the Council's Disciplinary Procedure.

If a member of staff has a complaint about the workplace, they may raise this in accordance with the Council's internal Grievance Procedure.

If a member of staff has a complaint against a Member, they may raise this in accordance with the Code of Conduct.

Confidentiality

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

A complaint against the Council is personal to the complainant and will be treated in confidence unless the complainant waives their right to confidentiality. The complainant would need to confirm in writing that they waive their right to confidentiality.

The identity of the complainant will only be known to the members of the Governance Review Committee who need to consider the complaint.

When the Governance Review Committee is considering the complaint or invites the complainant to make representations at a meeting, the press and public will be excluded. This does not preclude the Governance Review Committee from inviting the complainant to speak at the meeting or requesting the attendance of the Clerk or other staff to represent the position of the Council or take minutes.

How to make a complaint

All formal complaints against the Council must be made in writing by completing the attached form.

What happens once a complaint has been submitted

Once a complaint has been received by the Clerk or Chairman of the Governance Review Committee:

1. The Clerk or Chairman of the Governance Review Committee will contact you by your preferred contact method within 7 working days. (Please allow 3 working days for complaints sent in first class post to reach the Council Office.). Please note that if your preferred method of contact is telephone, a follow up letter summarising what was agreed will be sent in the post for future reference. The contact will:
 - i. Acknowledge receipt of the complaint;
 - ii. Confirm whether the complaint will be treated confidentially (which is most likely to be the case); and
 - iii. Confirm the next steps in the complaint's procedure.
2. A meeting of the Governance Review Committee will be called to deal with the complaint and appoint members to investigate the facts of the complaint and collate relevant evidence.
3. Complaints will be investigated in a timely manner and usually within 30 working days of receipt.
4. The Clerk or Chairman of the Governance Review Committee will contact you by your preferred method to provide you with an opportunity to make verbal representations to the Governance Review Committee, the date, time and venue for the meeting; please note it is not mandatory to provide verbal representations and you are free to decline to do so.

If you would like to make verbal representations, the press and public will be excluded from the meeting. You will be able to bring a friend to the meeting when you are making verbal representations.

At least 14 working days before the meeting the Clerk or Chairman of the Governance Review Committee will contact you to:

- i. Request any new information or other evidence relevant to the complaint;
 - ii. Provide you with any new information or evidence relevant to the complaint; and
 - iii. Explain how the meeting will proceed.
5. The Council aims to determine all complaints within 2 months of receipt of the completed form.

Verbal Representations – The meeting – What to expect

If you are invited to a meeting of the Governance Review Committee meeting and you agree to attend, the meeting will follow the following procedure:

1. The press and public will be excluded from the meeting;
2. You will be asked to outline the grounds of your complaint;
3. You may be questioned by the Clerk, other nominated officer or by members of the Governance Review Committee;
4. The Clerk or other nominated officer or Councillor will explain the Council's position;
5. You will be able to ask questions;
6. You will be asked to summarise your position in relation to the complaint;
7. You will be advised when a decision about the complaint is likely to be made and when the decision is likely to be communicated to you; and
8. You will leave the meeting and members of the Governance Review Committee will consider and discuss all evidence and representations that have been made and will aim to decide the outcome of your complaint.

Can I appeal the outcome of the complaint?

Every effort will be made to resolve the complaint satisfactorily. However, if you are not happy with the response, you must inform the Council in writing within 14 days of receipt of the Council's decision explaining why you are unhappy with the decision.

On receipt of an appeal, the Council will:

1. The Clerk or Chairman of the Governance Review Committee will contact you by your preferred contact method within 7 working days. (Please allow 3 working days for complaints sent in first class post to reach the Council Office.). Please note that if your preferred method of contact is telephone, a follow up letter summarising what was agreed will be sent in the post for future reference. The contact will:
 - i. Acknowledge receipt of the complaint;
 - ii. Confirm who has been appointed to sit on the Panel to consider the appeal;
 - iii. Confirm whether the appeal will be treated confidentially (which is most likely to be the case); and
 - iv. Confirm the next steps in the appeal's procedure.
2. A meeting of members that were not involved in deciding the original complaint will be called to deal with the appeal and appoint members to review:
 - i. The facts of the original complaint;
 - ii. The collated evidence;

- iii. The minutes all meetings held about the complaint including any meetings where you made verbal representations; and
 - iv. The decision made by the Governance Review Committee and the reasoning for the decision.
3. Appeals will be investigated in a timely manner and usually within 30 working days of receipt.
4. The Clerk or a member appointed to deal with the appeal will contact you by your preferred method to:
 - i. Request any new information or other evidence relevant to the appeal;
 - ii. Provide you with any new information or evidence relevant to the appeal; and
 - iii. Explain how the meeting will proceed.
5. The Appeal Panel will either confirm the decision of the Governance Review Committee or after careful consideration revise the decision;
6. You will be advised in writing, within 7 working days of the Appeal Panel meeting of the outcome of the appeal which is the final stage of the Council's Complaints Policy.;

This concludes the Council's Complaints Policy.

Local Government Ombudsman – local (town and parish) councils are not subject to the jurisdiction of the Local Government Ombudsman unless the complaint concerns a matter on which the Parish Council is acting on behalf of the principal council, namely Cornwall Council. If your complaint relates to the Parish Council carrying out such agency work, the initial approach should be to Cornwall Council. If the complaint remains unresolved, the matter could be referred to the Local Government Ombudsman using the details below:

The Local Government Ombudsman
Commission for Local Council Administration in England
The Oaks
Westwood Way
Westwood Business Park
Coventry
CV 4 8J13

Telephone: 024 7682 0000

Complaints against a member of the council

Parish and Town Councillors sign up to a Code of Conduct on taking office. The Council is unable to investigate complaints against any of its members. Anyone wishing to submit a complaint for breach of this Code should do so to the Monitoring Officer at Cornwall Council.

The Monitoring Officer
Cornwall Council
Treyew Road
Truro
Cornwall

Further information can be accessed from:

<https://www.cornwall.gov.uk/council-and-democracy/councillors-and-democracy/standards-committee-information/code-of-conduct-complaints/>

Record of Reviews of the Complaints Procedure - For Council Use Only

Review Date:	Reviewed By:	Amendments	Minute No:

Illogan Parish Council Complaint Form

Do you want your complaint to be treated confidentially? Please tick	Yes	No
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Section 1: Your Details

First name:			
Surname:			
Postal address:			
Telephone number:			
Mobile telephone number:			
Email address:			
Preferred method of contact: please tick	Post	Email	Telephone
Are you providing feedback on another person's behalf? Please tick	Yes	No (Go to section 4)	

Section 2: Feedback made on another person's behalf

Please provide the following details about the person on whose behalf you are acting:

First name:	
Surname:	
Postal address:	
Telephone number:	
Mobile telephone number:	
Email address:	

Your relationship with the person on whose behalf you are acting:

Are you a legal representative for the person who received the service? Please tick	Yes	No
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If **yes**, please provide details:

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Does the person know you are making a complaint on their behalf? Please tick	Yes	No
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If **no**, please provide the reason why:

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Are we able to speak with the person who received the service? Please tick	Yes	No
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If **no**, please provide the reason why:

Section 3: Other person's consent for feedback made of their behalf

If you are providing this feedback on another person's behalf, we require the consent of the other person to obtain and pass on personal information relevant to this feedback. Please provide evidence of this consent when submitting this form, e.g. signed consent (as provided below) from the person on whose behalf you are acting.

I, (insert name of person giving consent) give permission to (insert the name of the person receiving the consent) to provide or collect relevant information on my behalf to assist with this complaint, as necessary.

Signature:	Date:
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Section 4: Details of the complaint

Please provide details of your main concerns, including what events led to making the complaint, dates and who was involved etc.

Section 5: What action have you already taken in relation to this complaint?

Have you discussed your concerns with an officer, councillor or another person for assistance with this complaint? Please tick	Yes	No
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If **yes**, with whom and what was the outcome?

Section 6: What outcomes would you like as a result of this complaint?

Section 7: Privacy

Who will control my data?

The Data Controller for all the information you provide on this form is Illogan Parish Council, Unit 2, Wheal Agar, Tolvaddon Energy Park, Tolvaddon, Camborne, Cornwall, TR14 0HX. Data Protection Registration Number: Z5655097

There's something I don't understand

"If you need help in understanding or completing this form, please contact the Clerk on 01209 711433 or by emailing enquiries@illoganparishcouncil.gov.uk

How we will use the information about you

The information you provide on this form will be used to investigate and respond to your complaint.

Who else will we share information with?

We will only use this information in conjunction with your complaint to the Council. This will include Councillors on the Governance Review Committee, who investigate and respond to complaints.

Where will your data be held?

Your data will be held within and will not be processed outside of [the UK, the EEA]. Access to your information will only be made to authorised personnel and members who are required to process it for the purposes outlined in this privacy policy.

How long will you keep this information for?

Information will be held for 12 months from the date the complaint or appeal has been decided whichever is the latter.

What are my data rights?

Your personal information belongs to **you** and you have the right to:

- Be informed of how we will process it;
- Request a copy of what we hold about you and in commonly used electronic format if you wish (if you provided this to us electronically, we will return it the same way);
- Have it amended if its incorrect or incomplete;
- Have it deleted (where we do not have a legal requirement to retain it);
- Restrict how we process it;
- Object to us using it for marketing or research purposes;
- Object to us using it in relation to a legal task or in the exercise of an official authority.

How do I exercise these rights?

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information please contact:

The Data Protection Officer

Email: dpo@illoganparishcouncil.gov.uk

I don't agree with something

We would prefer any complaints to be made to us initially so that we can have the opportunity to see if we can put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns directly with the Information Commissioner's Office:

Tel: 0303 123 113 or online: <https://ico.org.uk/concerns>

Why do you need my information?

The Council need your information to enable them to investigate and respond to your complaint.

Section 8: Declaration

I, (insert name of person signing the declaration) declare that the information provided on this complaint form is true and correct.

Signature:	Date:	

Where to send your complaint form and any other documents

You can send your complaint to the Council by post using the details below:

Please ensure you clearly mark the envelope as 'Private and Confidential'

The Clerk
Ms Sarah Willsher
Illogan Parish Council
Unit 2 Wheal Agar
Tolvaddon Energy Park
Tolvaddon
Camborne
TR14 0HX

If the complaint is about the Clerk, please post your form to:

Chairman of the Governance Review Committee
Illogan Parish Council
Unit 2 Wheal Agar
Tolvaddon Energy Park
Tolvaddon
Camborne
TR14 0HX