WITHAM ST HUGHS PARISH COUNCIL

COMPLAINTS POLICY AND PROCEDURE

1. Purpose

This policy sets out how Witham St Hughs Parish Council ("the Council") will receive, investigate and determine complaints fairly, consistently, promptly and proportionately. The Council will use complaints to put matters right where appropriate and to improve its administration, procedures and services.

2. Scope and definitions

This procedure applies to an expression of dissatisfaction about the Council's administration, procedures, actions or failure to act, or the standard of a service delivered by or on behalf of the Council. It may be used by a member of the public, service user, organisation or other person affected by the matter.

A **service request** asks the Council to act, such as addressing an untidy area or arranging a repair. A **formal complaint** alleges fault by the Council, such as maladministration, procedural failure, unreasonable delay, poor service, unfair treatment or failure to follow an agreed policy. The Clerk or nominated person will decide how a matter should be classified and will explain that decision.

3. Matters dealt with under another process

The following matters fall outside this procedure and will be referred or signposted as appropriate:

Matter	**Route**
Financial irregularity or public rights in relation to the accounts	Electors' statutory inspection and objection rights under the Local Audit and Accountability Act 2014, and the Council's external auditor or another appropriate authority where applicable.
Suspected criminal activity	The police or other appropriate enforcement body.
Alleged breach of the Councillors' Code of Conduct	The Monitoring Officer at North Kesteven District Council.
Employee conduct, grievance or employment matters	The Council's disciplinary, grievance or other employment procedure. A complaint about the Clerk will be referred to the Chair or another authorised councillor.
Whistleblowing concern	The Council's whistleblowing procedure.
Freedom of Information or Environmental Information request or review	The applicable information rights procedure, with a right to complain to the Information Commissioner where relevant.
Data protection complaint	The Council's data protection complaints process. The Council will acknowledge such a complaint within 30 days and otherwise comply with applicable data protection law.
Challenge to the lawfulness of a Council decision	Legal advice may be required. Nothing in this procedure extends or suspends any statutory time limit or legal remedy.

4. General principles

- Complaints will be handled courteously, fairly, objectively and without avoidable delay.
- The Council will make reasonable adjustments and provide information in an alternative format where reasonably required.
- A complainant may be assisted or represented by another person.
- No person with a material involvement in the events complained of will investigate or decide the complaint.
- Complaints should normally be made within 12 months of the matter arising or becoming known. The Council may accept a later complaint where there is a good reason and it remains possible to investigate fairly.
- Anonymous complaints may be considered where they raise a serious, evidenced matter, but the Council may be unable to investigate or respond fully.
- The Council may pause this procedure where another investigation, legal process or safeguarding concern takes priority.

5. How to make a complaint

A complaint should normally be submitted to the Clerk by email, post or another agreed accessible method. It should include:

- the complainant's name and contact details;
- what happened, including relevant dates, places and people;
- why the complainant believes the Council was at fault;
- any supporting evidence; and
- the outcome or remedy sought.

Where a person has difficulty setting out a complaint, the Council will provide reasonable assistance to record it accurately. If the complaint concerns the Clerk, it should be addressed to the Chair. If it concerns the Chair, it should be addressed to the Vice-Chair. If both are implicated, or there is another conflict, the Council will appoint an independent officer, councillor or adviser who has not been involved in the matter.

6. Acknowledgement and initial assessment

The Council will normally acknowledge a complaint within five working days. The acknowledgement will identify the person handling it, explain the next steps, state whether more information is needed, and give the target response date. If the matter falls outside this policy, the complainant will be told why and, where possible, where it should be directed.

7. Stage 1 — investigation and response

The Clerk or nominated person may seek clarification, gather documents, speak to relevant people and consider applicable policies and decisions. The investigation must be proportionate and must give the complainant and the Council a fair opportunity to provide relevant information.

The Council aims to issue a written Stage 1 response within 20 working days of receiving sufficient information to investigate. If more time is needed, it will explain the reason, provide an updated timescale and keep the complainant informed.

The response will summarise the complaint, evidence considered, findings, reasons, outcome and any action

or remedy. The outcome will be one of: upheld, partially upheld, not upheld, or no finding possible on the available evidence.

Possible remedies include an apology, correction of inaccurate information, explanation, reconsideration where lawful, procedural or service improvement, guidance or training, and referral under another procedure. A finding that a process was not followed does not automatically invalidate a Council decision.

8. Stage 2 — review

If dissatisfied with the Stage 1 response, the complainant may request a review within 20 working days. The request should explain why the Stage 1 outcome or process is disputed and identify any relevant information said to have been overlooked.

The review will be conducted by the full Council, a delegated complaints committee or a panel of at least three impartial councillors, none of whom was materially involved in the complaint or Stage 1 decision. Where this is not reasonably achievable, the Council may obtain independent advice or make another transparent arrangement that preserves fairness.

The review will consider whether the Stage 1 investigation was fair and adequate, the findings were supported by the evidence, relevant information or policy was overlooked, or the proposed remedy was reasonable. It is not normally a complete reinvestigation unless fairness requires this.

9. Arrangements before a Stage 2 hearing

- The complainant will be invited to attend and may bring a representative.
- At least seven clear working days before the hearing, both parties must provide the documents or other evidence on which they intend to rely.
- Relevant material will be exchanged promptly and, where reasonably required, in an accessible format.
- Late evidence may be accepted only where the panel considers that doing so is fair and does not cause avoidable prejudice.
- The complainant will be told whether the matter is expected to be considered in public or confidential session.

10. Stage 2 hearing procedure

1. The Chair will introduce those present, describe the issue for review and explain the procedure.
2. The complainant or representative will present the grounds for review.
3. The Council's representative and panel members may ask relevant questions.
4. The Council's representative will explain the Council's position.
5. The complainant and panel members may ask relevant questions.
6. The Council's representative, followed by the complainant, may summarise their position.
7. The parties will withdraw while the panel deliberates. If clarification is required, both parties will be invited back unless the point is purely administrative.
8. Only eligible, impartial members will decide the outcome.

The panel may confirm, vary or overturn the Stage 1 outcome and may direct an appropriate remedy or improvement action. The Chair may adjourn the hearing where necessary to obtain information or ensure fairness.

11. Public access and confidentiality

Council and committee meetings are normally open to the public. The Council may, by resolution, exclude the public and press for all or part of a hearing where publicity would be prejudicial to the public interest because of the confidential nature of the business or for another lawful special reason stated in the resolution.
Personal and confidential information will be disclosed only where lawful and necessary. Minutes and any published outcome will be suitably redacted or anonymised where appropriate. Confidentiality cannot be guaranteed where disclosure is legally required or necessary for a fair investigation.

12. Stage 2 decision

The Council will normally confirm the Stage 2 decision in writing within seven working days of the hearing. The response will give reasons, state the outcome and any action to be taken, and explain that the Council's internal complaints procedure is complete. If the decision cannot be finalised within that period, the Council will explain why and provide a revised date.

13. Data protection and records

Complaint information will be processed in accordance with applicable data protection law and the Council's privacy information. Records will be accurate, stored securely, accessible only to those who need them, and retained in accordance with the Council's retention schedule. The record will include key communications, evidence considered, decisions, reasons and actions taken.

14. Unreasonable or persistent behaviour

The Council will not restrict a person merely because they have made a complaint, challenged a decision or communicated persistently. Where behaviour places an unreasonable burden on the Council, is abusive, threatening, repetitive without new evidence, or prevents proper consideration of the matter, proportionate communication arrangements may be applied under the Council's Unreasonable or Unreasonably Persistent Complainant Behaviour Policy. Any restriction will be explained, recorded, time-limited and reviewed.

15. Learning and monitoring

The Clerk will maintain a proportionate record of complaints and actions. The Council may receive periodic anonymised information about complaint themes, outcomes and service improvements. This policy will be reviewed at least every three years and sooner where legislation, guidance or Council arrangements change.

16. Related documents

- Councillors' Code of Conduct
- Disciplinary and grievance procedures
- Whistleblowing policy
- Data protection and privacy policies
- Records retention schedule
- Communications policy

Version history

Version	Date	Summary
1.0	17 May 2017	Original policy adopted.
1.1	July 2019	Reviewed; no amendments required.
1.2	August 2020	Reviewed; historic amendment details were not recorded.
1.3	October 2022	Reviewed; historic amendment details were not recorded.
1.4	September 2023	Vice-Chair added to the complaint-routing arrangements.
1.5	September 2024	Terminology changed from Chairman to Chair.
2.0	September 2026	Full revision introducing scope and definitions, exclusions, two-stage handling, timescales, impartiality, accessibility, hearing safeguards, outcomes, confidentiality, data protection, records and monitoring.