

# Colburn Hipswell & Scotton Joint Burial Authority

## COMPLAINTS PROCEDURE

### Before processing a complaint

1. All formal complaints must be communicated in writing.
2. The complainant will be asked at the outset to confirm if he/she wants the complaint to be treated confidentially. The Burial Board must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.
3. A copy of the Complaints Procedure will be given to the complainant and will contain the following information:
  - the requirement to submit a complaint in writing
  - the postal address or email that the complaint must be sent to (the clerk)
  - that receipt of the complaint will be acknowledge in writing within a specified timeframe (10 days)
  - who will be dealing with the complaint (the Burial Board or a nominated subcommittee)
  - the timeframe for investigating the complaint (according to the nature of the complaint)
  - whether there is an opportunity for the complainant to make verbal representations (they may bring someone when doing so) and when this will occur
  - the timeframe for determining the complaint
  - It is not appropriate to deal with all complaints from members of the public under the formal Complaints procedure. The Burial Board receives queries, problems and comments as part of its day- to- day business and should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Burial Board by the Clerk.

### Receipt of the complaint

4. The clerk shall:
  - acknowledge receipt of the complaint in writing within ten days of receipt of letter
  - confirm to the complainant that the matter will be treated as confidential if requested
  - inform the Chair of the Burial Board and arrange for the matter to be investigated. The Burial Board may decide to nominate a smaller sub-committee to establish the facts.

## **Investigating the complaint**

5. The Burial Board or sub-committee will investigate the facts of the complaint and collate relevant evidence.
6. The complainant will be invited to a meeting with the Burial Board or the sub-committee to make verbal representations of the facts and he/she may bring a friend when doing this. The chair of the meeting will explain how the meeting will proceed.
7. The complainant will outline the grounds for complaint and thereafter, questions may be asked by members of the Burial Board or sub-committee.
8. The Chair will explain the Burial Board's position and questions may be asked by the complainant.
9. The Chair will conclude the meeting by summarising the position of the Burial Board and the complainant will have the same opportunity to summarise his/her position.
10. The complainant will be advised when a decision about the complaint will be made and when it will be communicated to them.

## **After the complaint has been decided**

11. Within the timeframe given at the meeting, the Burial Board will write to the complainant to confirm whether or not it has upheld the complaint. The Burial Board should give reasons for its decision together with details of any action to be taken.
12. If the complaint has been upheld the Burial Board will offer a remedy which, as far as possible, puts the complainant back in the position he/she would have been in but for the matters complained of. If the matters complained about have caused the complainant to suffer financial loss, the Burial Board may want to offer financial compensation. Any offer or acceptance of financial compensation will confirm the Burial Board's payment is full and final settlement of the dispute and any claims which the complainant has against the Burial Board and without admission of legal liability.
13. If it is more appropriate the Burial Board may apologise to the complainant and will explain what steps it intends to take to reduce the risk of the matters complained of being repeated.

## **The decision of Colburn Hipswell Scotton Joint Burial Authority will be final. There is no facility for an appeals process.**

The Complaints Procedure is not a means of redress for the members of the Burial Board or staff. Members and staff are expected to work together professionally even if they hold differences of opinion and views.

If the complaint is about the Clerk to the Burial Board, you should write to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment. This will be dealt with by the Burial Board as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Burial Board's employment. The matter will be dealt with internally to protect the employment

rights to which employees of the Burial Board are entitled. The complainant will be informed of action taken.

Members of the Burial Board are required to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to Richmondshire District Council's Democratic Services at Mercury House, Station Road, Richmond, North Yorkshire, DL10 4JX.

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Burial Board has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters will be referred to the Burial Board by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Burial Board may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

Anonymous complaints will be disregarded.