

# Wilbarston Parish Council

## COMPLAINTS PROCEDURE

This procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk (or other nominated officer) or chairman.

‘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 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.’

It will not be appropriate to deal with all complaints from members of the public under this complaints procedure, for example, where a complaint is made about an individual. The Council will consider engaging 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. On other matters, councils may need to consult their auditor / Audit Commission
Criminal activity	The Police
Member conduct	In England a complaint relating to a member’s failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority.
Employee conduct	Internal disciplinary procedure

The process for complaints dealt with by the Parish Council will be accessible and transparent and all parties will be treated fairly. The identity of a complainant will, however, only be made known to those who need to consider a complaint. The Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned). Complaints received will be dealt with in a timely manner at the next available Parish Council meeting.

If the clerk (or other nominated officer) puts forward justification for the action or procedure complained of, he or she should not advise the council, as they need to determine the matter themselves.

### ***Before the Meeting***

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way.
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### ***At the Meeting***

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **After the Meeting**

16. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Adopted by Full Council on 8<sup>th</sup> March 2012

Readopted 10th September 2020 - Minute Reference 20/527

Readopted 10th June 2021 - Minute Reference 21/100