

# STANION PARISH COUNCIL

## COMPLAINTS POLICY

### 1. Definition

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.

### 2. Introduction

Pursuant to the *Local Government Act 1972* the Local Government Ombudsman has no jurisdiction over parish and town councils in England.

The Council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints.

A complaint made against the Council, councillors or staff must be treated as a complaint about the Council itself not against the individuals. If a complaint is upheld it may result in disciplinary proceedings against an individual. It may be necessary to notify the Council's insurer immediately where a complainant seeks redress for personal injury, damage to property or financial loss.

### 3. Informal Complaints

3.1 It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk, or Chair will resolve most issues raised by a member of the public.

3.2 Any informal complaint will be brought to the Council by the Chair or Clerk to be noted.

### 4. Formal Complaints

4.1 In certain circumstances procedures/bodies other than Stanion Parish Council may be appropriate in respect of the following types of complaint: -

Type of Conduct	Refer to
Financial irregularity	Statutory right to object to Council's audit of accounts pursuant to S 16 Audit Commission Act 1998. On other matters the Council may need to consult its auditor/Audit Commission
Criminal activity	The police
Member conduct	If the complaint relates to a failure to comply with the Local Government Code of Conduct 2007 it must be submitted to the Standards Committee of the relevant principal authority (Local Government and Public Involvement in Health Act 2007)
Employee conduct	Internal disciplinary procedure

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4.2 If a member of the public is not satisfied with the outcome of a complaint dealt with under Section 3 of this procedure then the complainant should put the complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk he or she should address it to the Chair.

4.3 The Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant that the matter will be considered by the Council and that a formal response will be made normally within 28 days. Where a response cannot be made in the normal time frame complainant will be informed of the reasons for the delay and given the time period in which a formal response will be made. The complainant's personal details will remain confidential and shall not be disclosed in agendas or minutes unless the complainant consents. A meeting considering the complaint must exclude the public (but need not exclude the complainant).

4.4 The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which professional advice is required.

4.5 The complaint will be properly investigated by the Clerk, Chair or other officer as deemed appropriate and the complainant must be informed in writing of the decision.

4.6 Complaints may be dealt with entirely in writing, however, where deemed necessary by the Council, the complainant may be invited to attend a meeting and to bring with them a representative if they wish.

4.7 Seven clear working days prior to the meeting the complainant shall provide the Council with copies of any documentation or other evidence to be relied upon. The Council will provide the complainant with copies of any documentation upon which it will rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

4.8 The Chair shall introduce everyone and explain the procedure.

4.9 The complainant (or representative) shall outline the grounds for complaint. Thereafter questions may be asked by (i) the Clerk and then (ii) members.

4.9.1 The Clerk will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) members.

4.9.2 The complainant should be offered the opportunity to summarise their position.

4.9.3 The Clerk and the complainant should be asked to leave the room whilst 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.

4.9.4 The Clerk 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 will likely to be made and when it is likely to be communicated to them.

4.9.5 The decision should be confirmed in writing within seven working days

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together with any action to be taken.

4.10 The final communication containing the decision should include reasons and where upheld an explanation together with steps to be taken to reduce the possibility of recurrence of the matters being complained of or where appropriate offer of recompense.

### 5. Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council 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 Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. They 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.

### 6. Anonymous Complaints

Anonymous complaints will be disregarded.

Adopted by Stanion Parish Council ..... (Date)

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Chairman

Based upon the 'NALC model complaints procedure: Legal Topic Note: LTN: 9E June 2014