

Claybrooke Magna Parish Council

Complaints Procedure

The following is the Parish Council's (the Council) procedure for dealing with complaints about the Council's administration or its procedures, a complaint against the Clerk or a complaint against a Parish Councillor. Complaints about a policy decision made by the Council will be referred back to the Council for consideration.

The procedure is based on the framework suggested by the National Association of Local Councils.

What is a Complaint?

This will be about the Parish Council's procedures or administration. It will be an expression of dissatisfaction by one or more members of the public about the Council's action, lack of action or about the standard of a service. This would be whether the action was taken, or the service provided, by the Parish Council or a person or organisation acting on behalf of the Council.

Complaints should always be directed through the Clerk, except for complaints about the Clerk, in which case, the Chairman will manage the process. It may be that the complaint could be dealt with in a less formal manner, however, if not, the following procedure should be followed.

Making a Complaint

The Parish Council cannot please everyone all the time but Councillors and the Clerk will listen to issues and endeavor to resolve them.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. The Council hope to use less formal measures or explanations to resolve most issues to a satisfactory conclusion. Any informal complaint, however, will be reported to the Council by the Clerk.

If the complaint concerns Council procedures, administration or the actions of a Councillor or the Clerk, the complaint should be made in writing, or by e mail, noting your name and contact details and the nature of the complaint. All complaints should be sent to the Clerk to the Council unless it concerns him/her when it should be sent to the Chairman of the Council. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

When a complaint is received, the Council will reply within seven days to state:

- Who is dealing with the complaint.
- How it will be dealt with.
- When the complaint is likely to be dealt with.

E mail, address and telephone details of the clerk and Chairman to the Council can be found on the Council website.

On receipt of the written complaint, the Clerk to the Council will seek to settle the complaint directly by explaining the Parish Council's position in the hope of resolving the complaint. A written response will be given within a month of the acknowledgement of the complaint.

Complaint Concerning the Ethical Behaviour of a Parish Councillor

Members of the Parish Councils must abide by the Code of Conduct or face consequences if that Code is breached. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to Harborough District Council's Monitoring Officer in Market Harborough.

Unreasonable and Vexatious Complaints

If a complainant persists in pursuing a complaint when there is no reasonable basis, or when the Council has already taken reasonable action to respond, or where some other process, whether through the courts or some other recognised procedure has been taken, the matter will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant as such making it clear that only new and substantive issues will merit a response.

Anonymous Complaints

Anonymous complaints will be disregarded.

Formal Complaints

In certain circumstances, procedures/bodies other than the Parish Council may be contacted in respect to the following types of complaint:

- Financial irregularity - statutory right to object to Council's audit of accounts under S.16 Audit Commission Act 1998. On other matters, the council may need to consult its auditor.
- Criminal activity - the Police

Procedure

- Complaints about the Council's procedures, administration or policies will be dealt with by the Parish Council. The outcome of the complaint will be published.
- The Clerk will acknowledge receipt of the complaint within seven working days and will also advise when the matter will be dealt with by the Council. The complainant will be invited to attend the meeting and to bring a representative, if wanted.
- Within seven clear working days prior to the meeting, copies of any documentation or other evidence appertaining to the complaint, which will be relied on the meeting, should be given to the Council. Similarly, the Council will provide copies of any documentation which it wishes to rely on at the meeting.
- The Council will consider whether the circumstances of the meeting warrant the exclusion of the press and public.
- The Chairman will introduce everyone and will explain the procedure.
- The complainant, or the representative, will outline the grounds for the complaint.
- Councillors will ask questions of the complainant or the representative.
- Councillors will be able to ask questions of the Clerk to the Council.

- The Chairman will summarise the Parish Council's position and then the complainant will be offered the opportunity of summing up.
- The complainant and representative will withdraw from the meeting whilst Councillors reach a decision on whether or not the grounds for the complaint have been made.
- If any points of clarification are required, the complainant and representative will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
- The complainant and representative will re-join the meeting to be advised of the Council's decision and reasons for it, or, if necessary, to be advised when a decision will be made. In some cases, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.
- The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

Complaints relating to the Clerk

These will be dealt with by the Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Council are entitled. The complainant will be informed of action taken.

Appeal Process

The decision of the Parish Council is final. There is not an appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.

Reviewed at the Annual Parish Council Meeting on 18th May 2023. Minute 8.