

# **WISTOW PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

**This policy aims to provide a transparent and reasonable procedure for dealing with complaints.**

## **Introduction:**

Complaints will be defined as an expression of dissatisfaction about the Council's action, lack of action, or the standard of service. Complaints will be recognised where they specifically regard the Council or a body providing the service on behalf of the Council.

We hope the public understands the decisions of the Council can not please all of the public all of the time. We can, however, promise to listen and strive to deal with complaints made by members of the public promptly and fairly.

A note to the public: Parish councils are not covered by The Local Government Act 1974, thus, in effect, are not under the jurisdiction of the Local Government Ombudsman. There are no provisions for the creation of a national body to handle complaints but it is hoped this policy will provide a transparent mechanism for the settlement of complaints.

The Council will strive to settle grievances, fully listen to and consider complaints brought to us. This is in the interest of the good reputation of the council.

## **Relevant legislation:**

The Data Protection act 2018

## **Making a Complaint:**

It is not always appropriate to deal with a complaint through the formal complaints process. The Council receives comments, queries and problems from the public as part of its day to day business and not all of these will be regarded as formal complaints. If informal complaints are made to an individual Councillor it is their duty to inform the Clerk. If possible, the Clerk will resolve the complaint through a less formal explanation. The Clerk will forward any queries or actions on to all Councillors so it can be recorded at the following Council meeting. If the complaint cannot be resolved the Clerk will instigate the **Formal Complaints Procedure**.

**There are complaints the Council can not deal with, these include:**

- **Financial irregularity: Financial irregularities should be reported to the Council's auditor, whose name and address can be obtained from the Clerk (Local elector's statutory right to object council's audit of accounts pursuant to s.16 Audit Commission Act 1998).**

- **Criminal Activity which should be reported to the Police.**
- **A complaint against an individual Councillor who has broken the code of conduct, complaints against a Councillor should be made to the monitoring officer of Selby District Council. A complaints form and the email address can be found at the following site:  
<https://www.selby.gov.uk/councillor-code-conduct-and-how-make-complaint>**

### **Making a formal complaint:**

- Firstly you will be asked to put your complaint in writing (either email or letter), and sent to the Clerk (or if your complaint is about the Clerk, to the Chairperson). NB: If you do not wish to, or are unable to write your complaint, the Clerk/Chairperson should be contacted via telephone and they will transcribe your complaint for the Council.
- The letter must contain:
  1. Name, Address, Phone Number/E-Mail
  2. The complaint about the Council's procedure or administration
  3. How the issues affected the Complainant
  4. Copies of relevant documents or other evidence the Complainant may wish to refer to at hearing
  5. What action the Complainant believes will resolve the complaint
- The Complainant's name and personal details shall only be known by either the Chairperson or Clerk, following guidance in the Data protection act, and shall be recorded in the minutes simply as the Complainant. After the hearing, the letter received by the Council from the Complainant shall be destroyed, as findings and action taken will be minuted at the next meeting.

**All documentation should be provided seven days before the hearing, if it is not, it is at the discretion of the complaints committee Chairperson if the committee will accept the documents at the hearing.**

- At this point the Clerk/Chairperson will write to the Complainant, accepting their complaint and giving them a formal timeframe for how their complaint shall be heard, this shall be done within 7 days of receiving the written complaint.
- From the Council, three Councillors shall be selected to sit on the complaints committee, the Chairman of the complaints committee shall be elected.

- A date shall be set between the Committee, Council and Complainant to hold a formal hearing to review the complaint.
- The Council will strive to have the complaints procedure completed within 30 days.
- The Complainant does not have to attend the hearing, but if they wish to do so, they can bring any representatives they wish
- If the Council needs a representative at the hearing, the Clerk or Council Chairperson will present the Council position on the complaint.

### **At the Meeting:**

- The Complaints Committee will decide whether the circumstances of the meeting warrant the exclusion of the public and press.
- The Complaints Committee Chairperson will introduce everyone and explain the procedure
- The Complainant and their representative (if any) will detail the complaint to the Complaints Committee.
- If the Complaints Committee wishes, they can ask questions of the Complainant regarding their complaint.
- If necessary the Clerk/Chairperson will present the position of the Council relating to the complaint.
- If the Complaints Committee wishes, they can ask questions of the Clerk/Chairperson at this point.
- The Clerk/Chairperson and then the Complainant will be offered the opportunity to make any final comments.
- The Complaints Committee will then consider the complaint in private for a maximum of 30 minutes.
- The meeting can be reopened if the Complaints Committee needs clarification from either party, but both parties must be invited back in the meeting.
- The Chairperson of the Committee can adjourn the meeting if specialist advice is required.
- The Committee Chairperson will ask all parties to rejoin the hearing to inform them of the Complaints Committee's recommendation to the full council.
- If a recommendation cannot be reached at the meeting, the Committee Chair will advise when the recommendation will be made and communicated to the Complainant.

### **After the meeting:**

The decision will be confirmed in writing within seven days, together with action to be taken to the Complainant. These shall be adopted and recorded at the next Parish Council meeting.

### **Complaints relating to council staff (Inc. Parish Clerk)**

As these are an employment matter, they shall be dealt with internally by the Parish council to protect the employment rights of the individual involved. Complaints against staff should be made to the Council Chairperson. The staff member will then be formally advised of the matter and given an opportunity to comment. The complaints could result in disciplinary action, or in cases of gross misconduct, dismissal.

The Chairperson will inform the member(s) of the public of the outcome and action taken.