

## VALE OF ALLEN PARISH COUNCIL COMPLAINTS PROCEDURE

### Introduction

- 1 Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has **no jurisdiction** over parish and town councils in England. Community councils in Wales have been subject to the jurisdiction of the Public Services Ombudsman for Wales since 1 April 2006 pursuant to the Public Services Ombudsman (Wales) Act 2005. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England. This document is intended to assist local councils to deal with complaints they receive and includes a draft complaints procedure.

### Whether a complaints procedure is appropriate

- 2 The first task is to determine exactly what a complaint is. Sometimes the word 'complaint' is used by members of the public but sometimes it is not. The following is a definition of a complaint:  
*'A complaint is an expression of dissatisfaction by one or more members of the public about the parish 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.'*
- 3 It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. The parish councils 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. In Wales, any complaint about member conduct should be made to the Public Services Ombudsman.
Employee conduct	Internal disciplinary procedure

4. A good complaints system is:
- well publicised and easy to use
  - helpful and receptive
  - not adversarial
  - fair and objective
  - based on clear procedures and defined responsibilities
  - quick, thorough, rigorous and consistent
  - decisive and capable of putting things right where necessary
  - sensitive to the special needs and circumstances of the complainant
  - adequately resourced
  - fully supported by councillors and officers, and
  - regularly analysed to spot patterns of complaint and lessons for service improvement.

### **Process**

- 5.
- complaints must be made in writing or email
  - complaints must be made within 12 months of notice of the matters which are subject to the complaint
  - there must be no legal or insurance claim being made
  - the complaint must clearly state what the issue is
  - and what the complainant expects as an outcome.

### **Confidentiality**

6. The identity of a complainant should only be made known to those who need to consider a complaint. It should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

### **Stages**

7. Vale of Allen Parish Council has a 2-stage complaints procedure whereby issues are resolved by:
- front line staff; then
  - committee members (minimum panel of 3 councillors).

## **Before the Meeting**

8. The complainant should be asked to put the complaint about the council's procedures or administration in writing or email to the parish clerk.
9. If the complainant does not wish to put the complaint to the parish clerk, he or she should be advised to address it to the chairman of the parish council.
10. The parish clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the parish council or by the committee established for the purposes of hearing complaints. 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 (if, for example, the complaint is to be heard by a committee).
11. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
12. Seven clear working days prior to the meeting, the complainant shall provide the parish council with copies of any documentation or other evidence relied on. The parish 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**

13. The parish 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 parish council meeting in public.
14. The parish clerk (or chairman/committee members depending upon stage reached) should introduce everyone and explain the procedure.
15. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the parish clerk and then (ii), members.

16. The parish clerk will have an opportunity to explain the parish council's position and questions may be asked by (i) the complainant and (ii), members.
17. The parish clerk and then the complainant should be offered the opportunity to summarise their position.
18. The parish clerk will then consider the case at stage 1. If a decision can be reached straight away, it is to be communicated. If not, a decision must be made within 7 working days and fed back to the complainant.
19. If the matter is being dealt with under stage 2, the parish clerk 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.
20. The parish 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**

21. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
22. After the complainant has been through stages 1 and 2, and is still unhappy, there is no further stage or appeal permitted.