

GREAT AND LITTLE BARUGH PARISH COUNCIL

COMPLAINTS PROCEDURE

This document sets out the procedure that will be followed by Great & Little Barugh Parish Council (the Council) in the event of a complaint about the Council's administration or its procedures, a complaint against the Clerk to the Council (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.

This procedure is based on the framework suggested by the National Association of Local Councils (NALC).

Definition of a complaint

NALC suggest that generally, a complaint will be about the 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 or lack of action or about the standard of a service - whether the action was taken (or the service provided) by the Council or a person or organisation acting on behalf of the Council.

When a complaint is made against a local council, member(s) of the council or staff, individuals are likely to be mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.

Complaints should always be directed through the Clerk (except for complaints about the Clerk, in which case, the Chairman takes the place of the Clerk in managing the process). It may be that the matter of concern could be dealt with in a less formal manner. However, if that does not or cannot resolve the issue, this procedure will be followed.

Making a complaint

The Council cannot please everyone all the time. The Council promises to listen and to do what it can to deal with the issues raised.

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. It is

hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Council by the Clerk.

If the complaint about procedures, administration or the actions the Council's employee is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

The complainant will be asked to put the complaint in writing (letter or e-mail will be accepted) to the Clerk. If the complainant is unable to put the complaint in writing this does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing and it is better that the complainant expresses the specific areas of concern rather than the Clerk or a Councillor writing down their understanding of the issue.

To ensure compliance with its obligations in the Data Protection Act 2018 ('the 2018 Act'), a council cannot disclose the identity, contact details or other personal data about an individual complainant unless the complainant consents or disclosure is otherwise fair and lawful under the 2018 Act e.g. for the purposes of discharging the council's functions, as required under law or for the performance of contractual obligations.

When the complaint has been received, the Clerk will write to the complainant within seven days to advise –

- Who is responsible for dealing with the complaint;
- How it will be dealt with;
- When the complaint is to be dealt with.

The Clerk will also clarify whether there will be an opportunity for the complainant to make verbal representations, and if so when and where and under what conditions e.g. whether there is a set time limit for the complainant to speak.

The complainant will be asked if he wants the complaint to be treated confidentially.

How to make a complaint

Complaints can be made in any of the following ways –

By writing to or telephoning the Clerk to the Parish Council (see Website for details). If you wish to write rather than e-mail, please contact the Clerk for an address to which you can write.

By writing to the Chairman of the Parish Council (see Website for details).

If the complaint is about the Clerk, you should telephone or write to the Chairman.

Process following receipt of a complaint

On receipt of the written complaint, the Clerk will seek to settle the complaint directly with the complainant by explaining the Parish Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.

Generally speaking, complainants can expect to receive a response in full within a month of the acknowledgement of the complaint. If the response time is likely to be longer, because of complex or sensitive issues for example, the Clerk will write to the complainant and set out the probable time scales.

In its response to the complaint the Council will confirm whether or not it has upheld the complaint or explain why it has been unable to reach a conclusion. The Council should give reasons for its decision, unless by giving reasons it would breach confidentiality in which case the Council will make this clear. The Council will set out details of any action to be taken by the Council if appropriate.

Complaint about the Clerk

If the complaint is about the Clerk to the Council, the complainant should write to the Chairman of the Council. The Clerk will be formally advised of the matter and given an opportunity to comment.

Complaint about the ethical behaviour of a Parish Councillor

Members of Parish Councils sign a declaration to abide by a Code of Conduct (which appears on the Council's Website) and if they breach that Code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to The Compliance Officer, Ryedale District Council, Ryedale House, Old Malton Road, Malton, North Yorkshire, YO17 7HH.

Unreasonable and vexatious Complaints

There may be circumstances when a complainant persists in pursuing 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. The Council 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.

Anonymous Complaints

Anonymous complaints will be disregarded.

Formal Complaints

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

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

Operation of the 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 a complaint within seven working days and will also advise when the matter will be dealt with by the Council. It should be noted that as a small Council is neither practical nor desirable to have a separate group to deal with complaints.

The complainant will be invited to attend the meeting and to bring any representative if they wish.

Seven clear working days prior to the meeting, the complainant will be requested to provide the Council with copies of any documentation or other evidence to which they may wish to refer at the meeting. Similarly, the Council will provide the complainant with copies of any documentation on which it wishes to rely on at the meeting, unless such documents are confidential.

Procedure 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 their representative, will outline the grounds for complaint.
- Members of the Council will ask questions of the complainant or their representative.
- If relevant, the Clerk will explain the Council's position.
- Members of the Council will be able to ask questions of the Clerk to the Council.
- The Chairman will summarise the Council's position and then the complainant will be offered the opportunity of summing up.
- The complainant will be asked to withdraw from the meeting (together with their representative or anyone accompanying them) whilst Members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.
- If any points of clarification are required, the complainant and/or their representative will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
- The complainant will then re-join the meeting to be advised of the decision of the Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give the complainant the decision at the meeting, with the detailed reasons following in the decision letter.

Procedure following the meeting

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 either by the Parish Council or as an employment matter where that is appropriate. 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 Parish Council are entitled. The complainant will be informed of action taken.

Final decision

Save for complaints about the ethical behaviour of Councillors or the matters identified under Formal Complaints (both of which are set out above), the decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.