

COMPLAINTS PROCEDURE

Notes from House of Commons Briefing Paper, Number 04827, 25 February 2019

Complaints regarding parish councils

Constituents may wish to complain about the decisions, the procedures, or the conduct of members or staff of their parish council. There are few remedies available in this regard outside of the four-yearly elections to the parish council.

The route to make a complaint depends upon the subject of complaint: there is no single organisation which oversees parish councils. The Government has taken the view that parish councils are accountable to their electorate principally through the ballot box. The most recent Parliamentary Question on the issue of complaints was answered as follows:

There are various mechanisms in place for members of the public to make complaints about their town or parish council.

These include: using the parish council's complaints procedure; raising the matter at the annual parish meeting; questioning, or making an objection to the auditor during the public inspection period of accounts; or by joining with a group of local electors to call for a parish poll on the issue. In instances of councillor misconduct, complaints can be made to the principal council's monitoring officer who can investigate.

Central Government does not have the power to intervene in parish council matters and believes that the current local system of redress is proportionate to the sector and consistent with this Government's principles on Localism.

Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

It is essential that complaints are dealt with positively. The Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

1. Definition of A Complaint

A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Parish Council or its staff which affects an individual resident or group of residents.

The complaints procedure will deal with matters of maladministration, which is if the Parish Council does something the wrong way, fails to do something it should do or does something it should not do.

The complaints procedure will not deal with: -

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

2. Complaints Officer

The Complaints Officer for Sunninghill & Ascot Parish Council is the Clerk. Their main duties are:

- The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- To identify improvement points arising from any complaints.
- To identify staff training issues.

NOTE: If the complainant prefers **not** to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example) he or she should be advised to write to the Chairman of the Finance & Personnel Committee. In this case The Chairman of the Finance & Personnel Committee will act as the Complaints Officer.

3. Stages of The Procedure

The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the resident's satisfaction. If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue should be recognised as a complaint.

4. Formal Complaint (First Stage)

A resident may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the Clerk to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

Timescales: -

- Acknowledgement - by return of post/email
- Investigation completed - 10 working days or Progress Reports Issued - 10 working day intervals
- Investigating Officer: The Clerk or nominated Councillor

5. Review of Investigation and Complaint (Second Stage)

If the complainant is not satisfied with The Clerk's response, they should be advised of their right to have the complaint referred to the Operations Committee who will review the complaint.

Timescales: -

- Response by The Complaints Officer – 10 working days

- Finance & Personnel Committee (if thought necessary) - Convened within 30 working days
- Review completed - 10 working days thereafter
- Investigating Officer: The Clerk or nominated Councillor

If the issue remains unresolved, the complainant should be notified of his or her right to have the matter referred to Full Council.

6. 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 should be referred to Full Council 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.

a. Anonymous Complaints

Anonymous complaints should be referred to the Clerk, and may be acted on at their discretion, according to the type and seriousness of the allegation.

b. Equal Opportunities

The Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

Complaints by members of the public of discrimination and/or harassment against the Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

c. Resolution and Remedies

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Clerk to make any final decision regarding remedy).

An explanation or an apology will always be needed.

Note: This procedure is based on the template for a complaint's procedure provided by the Society of Local Council Clerks

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