

# Shustoke Parish Council



## Complaints Procedure Adopted May 2019

Shustoke Parish Council recognises that the Local Government Ombudsman has no jurisdiction over parish and town councils and therefore in the interests of reasonableness, accessibility and transparency has put in place its own Complaints Procedure based on recommended good practice. At all times the rules of natural justice will apply.

1. On receipt of a complaint, the clerk in consultation with the Chair will ascertain the category of the complaint and take the relevant action with reference to the following:

	<b>Complaint category</b>	<b>Action</b>
A	Financial irregularity	The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk/RFO may need to consult the auditor / Audit Commission. If the complainant is not satisfied, the Clerk should advise the complainant of the Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.
B	Criminal activity	The Clerk should refer the complainant to the Police
C	Member conduct	If the complaint relates to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the Standards and Ethics Committee of the District Council.
D	Employee conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.
E	Other *	Should be dealt with under the following complaints procedure

2. Category E Complaints are expressions 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 itself or a person or body acting on behalf of the council.

### ***Before the Meeting***

3. The complainant should be asked to put the complaint about the Council's procedures or administration in writing (letter or email) to the Clerk or other nominated officer giving the complainant's full name, address and contact telephone number together with the nature of the complaint.

4. If the complainant does not wish to put the complaint to the Clerk or other nominated officer, he or she should be advised to address it to the Chair of the council.

Any complaint will be dealt with confidentially.

5. The Clerk or other nominated officer, in consultation with the Chair, shall acknowledge receipt of the complaint within five working days, where possible, and attempt to address the complaint giving a time scale for response.
6. If the complaint cannot be addressed satisfactorily by the Chair or Parish Clerk, it will be heard by the Parish Council at the next available meeting. However if the nature of the complaint is complex or urgent, a specially convened meeting may be necessary. Notification of when this meeting will take place will be given to the complainant. He/she may bring a representative to the meeting if they wish.
7. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The 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***

8. The 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 meeting in public.
9. The Chair should introduce everyone and explain the procedure.
10. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
11. The Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.
12. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
13. The Clerk or other nominated officer 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.
14. The 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***

15. The decision should be confirmed in writing within seven working days together with details of any action to be taken.