

Saltwood Parish Council

Complaints Procedure

Agreed by Saltwood Parish Council on 12 April 2021, Minute 9 refers

Introduction

1 Unlike other tiers of local government, the Local Government Ombudsman has no jurisdiction over parish and town councils. Consequently, there are no statutory mechanisms in place should complaints be made against the Parish Council.

2 It will not be appropriate to deal with **all** complaints from members of the public under this complaints procedure. For example:

Type of conduct

Refer to

Financial irregularity

Local elector's statutory right to object to 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 Monitoring Officer of Folkestone & Hythe District Council

Employee conduct

Internal disciplinary procedure

3. Saltwood Parish Council defines a complaint as being "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 itself or a person or body acting on behalf of the Council".

4 The Parish Council has the legal power to make reparation in the case of proven mal-administration.

5 The procedure set out below is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the ways suggested above. The procedure below is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chair of the Parish Council.

6 The Clerk will explain the Parish Council's case. As the Clerk puts forward justification for the action or procedure complained of s/he should not advise the appropriate Committee as it needs to determine the matter itself.

7 In all cases all parties should be treated fairly and the process should be reasonable, accessible and transparent.

THE COMPLAINTS PROCEDURE ITSELF

Initial Stages

8. In all cases the Clerk will try to resolve the complaint informally with the complainant. The Clerk will retain a record.

9. If the complainant remains unsatisfied s/he should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.

10. If the complainant does not wish to put the complaint to the Clerk, s/he should be advised to address it to the Chair of the Parish Council.

11. The Clerk or Chair of the Parish Council shall acknowledge receipt of the complaint within 7 working days and advise the complainant when the matter will be considered by a Committee of three Councillors established for the purposes of hearing complaints. The complainant should also be advised whether the complaint is likely to be treated as confidential or not.

12. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

13. At least 7 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. At least 7 clear working days prior to the meeting the Council shall provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

At the Meeting

14. The Committee shall consider whether the complaint warrants the exclusion of the public and the press.

15. The Chairman shall introduce everyone and explain the procedure.

16. The complainant (or representative) shall outline the grounds for complaint and, thereafter, questions may be asked both by the Clerk and by Councillors.

17. The Clerk shall have an opportunity to explain the Council's position and questions may be asked both by the complainant and by Councillors.

18. The Clerk and then the complainant shall be offered the opportunity to summarise their position.

19. Both the Clerk and the complainant shall be asked to leave the room while Councillors 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. Both the Clerk and the complainant shall be given the opportunity to wait for the decision but, if the decision is unlikely to be finalised on that day, they shall 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 of the Committee will be confirmed in writing within seven working days together with details of any action to be taken by the Parish Council.

22. All decisions on complaints will be recoded in minutes of the Committee meeting and available to the public through Council minutes.

Appeal Procedure

23. If the complainant remains unsatisfied s/he has the right of appeal to a meeting of the full Parish Council whose decision shall be final. The process duplicates that described in paragraphs 12 to 22 above.