

WEST LAVINGTON PARISH COUNCIL

COMPLAINTS PROCEDURE

PURPOSE

The purpose of a complaints procedure is to put things right if things go wrong. It is to be noted that parish councils have the power (i) to make a payment or (ii) to provide some other benefit where action amounts to or may amount to maladministration. 'Maladministration' is a broad concept. It has been described as including 'bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude and so on'.

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.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. The Council 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 |

This formal procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.

DEFINITION

'A complaint is 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.'

CONFIDENTIALITY

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

TIMESCALES

The following timescales will apply, unless circumstances suggest that the process of inquiry or natural justice would be better served by extension:

| | |
|---|--|
| Initial acknowledgement to complainant | 1 week (subject to staff availability) |
| Initial response based on preliminary inquiry | 1 month from first acknowledgement |
| Committee or Council meeting if initial response rejected | 2 months from first acknowledgement |
| Decision communicated in writing | 7 days from decision being reached. |

FORMAL PROCEDURE

Before the Meeting

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing the complaint. 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 meeting in public).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. 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

6. 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 Council meeting in public.
7. The Chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and (ii), Members.
9. The Clerk will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), Members.
10. The Clerk and then the complainant should be offered the opportunity to summarise their position.
11. The 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.
12. The Clerk 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

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