



NORTH LEVERTON WITH HABLESTHORPE PARISH COUNCIL COMPLAINTS PROCEDURE

Procedure for dealing with complaints regarding Council business.

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Definition of a complaint by the Local Government Ombudsman

‘A complaint is an expression of dissatisfaction about the council’s action or lack of action or about the standard of service, whether the action was taken or service provided by the council itself or a person or body acting on behalf of the council.’

In all cases any complaints about the council’s procedures or administrations shall be submitted in writing.

It is generally in the interests of the complainant and the council to try and resolve the matter informally through normal channels of communication via the Clerk or the Chairman.

If the complaint cannot be resolved by this less formal approach then the following procedure is to be adopted.

At all times the rules of natural justice will apply in so far as all parties shall be treated fairly and the process be reasonable, accessible and transparent.

GENERAL

1. All formal complaints against the council shall be properly investigated.
2. The council shall notify the complainant of the need to put their complaint in writing and where to address same.
3. Unless there are extenuating circumstances, or if a complaint is of a more complex nature, then the council shall attempt to obtain a mutually satisfactory resolution to a complaint within a maximum of 12 weeks (including any appeals). Any proposed extension to this period shall be agreed by both parties.
4. The Clerk/Chairman shall, within 5 working days, write and acknowledge receipt of the complaint. At this time the council shall determine if the complainant requires their complaint to be treated confidentially. The complainant shall also be provided with a copy of this procedure.
5. Even if the complainant waives their right to confidentiality the council shall comply fully with its obligations under the Data Protection Act 1998.
6. No councillor other than those authorised to do so shall divulge details of any complaint, complainant or third parties outside of any hearing/meeting.
7. Council shall ensure that no agendas or minutes disclose personal data or financial, sensitive or confidential information that relates to an individual complainant or third party.
8. The council shall determine if the complainant intends to provide documentation and/or other evidence in support of their complaint. The complainant shall be advised that they must provide the Council with copies of any such material prior to the next step of the complaints procedure.
9. The council shall provide the complainant with a copy of any reference material it intends to table during the complaints procedure.
10. Unless agreed otherwise by both parties the council shall set aside a further 10 working days to allow for any investigations and evidence gathering to be concluded.
11. The complaint shall be investigated at an appropriate number of formal closed meetings and will be dealt with by the Council's "Complaints Committee". Three council members shall make up the Complaints Committee one of whom (unless wholly inappropriate) will be the PC Chairman. Should the complainant wish to appeal against any decision then the appeal will be heard by the Council's "Appeals Committee". Three different council members shall make up the Appeals Committee one of whom (unless wholly inappropriate) will be the PC Vice Chair.
12. Any member of the proposed committee shall declare any personal or pecuniary interests immediately they become known and take no further part in proceedings. In

such circumstances the council shall nominate a suitable replacement and, if appropriate, advise the complainant of the changed circumstances.

13. Both committees will give a brief report on their findings at the first available full Council meeting, taking care not to disclose any confidential information that could be minuted or recorded elsewhere.

14. The Clerk shall represent the position of the Council and act as investigating officer for the Council (unless implicated in the case or where it is wholly inappropriate for them to do so). If the clerk puts forward the justification for the action or the procedure complained of, then the Clerk shall not advise the Council and an independent representative/investigator shall be appointed to the case.

15. If the complainant does not require to make any personal representations to the council the case shall be dealt with via written correspondence. The council's committees shall still convene to consider all the written evidence from the complainant and receive similar evidence from the council's representative/investigator. Appropriate records shall be kept of any discussions and/or decisions taken. If this method of resolution is adopted then the council shall reach a decision within 10 working days.

16. If the complainant requires to make personal representations to the council then a closed meeting between all relevant parties shall be convened. The procedure for any such meeting shall be;

a) Before a Meeting

- i. The complainant shall be invited to attend the relevant meeting and advised that they can bring a representative with them if they so wish.
- ii. Any exchange of documentation or other evidence referred to above shall be completed 10 working days prior to any meeting taking place.
- iii. Any change to the timing and/or location of a meeting shall be agreed by all parties involved.

b) Complaint (or Appeal) Hearing

- i. Committee Chairman to introduce everyone
- i. Committee Chairman to explain procedure
- ii. Complainant (or representative) to outline grounds of complaint
- iii. Council's representative to explain Council's position
- iv. Committee Members to ask any questions of the complainant/representative
- v. Complainant (or representative) to ask any questions of the Council Representative

- vi. Council representative and complainant/representative to be offered opportunity of last word (must be offered in this order).
 - vii. The Council representative and the complainant/representative to be asked to leave the room whilst members decide whether or not the grounds for the complaint have been made (If a point of clarification is necessary then both parties to be invited back).
 - viii. The Council representative and the complainant/representative to return to hear decision (or to be advised when a decision will be made). The reasons for determining the decision shall be explained to both parties. There will be no deferment of a decision unless further investigation or guidance is needed before a decision can be made. The period of deferment shall not be longer than 10 working days unless agreed by both parties.
17. The council shall confirm their decision to the complainant in writing within 5 working days together with details of any action to be taken.
 18. The complainant shall also be notified of their right of appeal should they wish to do so.
 19. The complainant should give notice of an intention to appeal within 10 working days of receipt of the council's decision. Any variation to this period shall be agreed by both parties.
 20. The council reserve the right to reject any notice to appeal that is received after any agreed period.