STRETTON ON DUNSMORE PARISH COUNCIL

Complaints Procedure & Policy

1. Introduction

The aim of this code is to ensure that a reasonable, accessible, and transparent process of dealing with complaints is adopted.
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.

From time-to-time members of the public have complaints about the administration or procedures of the Parish council; local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. Therefore, it is recommended for transparency in local government, and for the benefit of good local administration, that Parish Councils should adopt a standard formal procedure for considering complaints.

The Council will do its utmost to settle complaints and satisfy complainants that any grievance has been properly and fully considered in the interest of the good reputation of the Council. The Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

In the event of a seemingly serial facetious, vexatious, or malicious complaint, the Council may consider taking legal advice.

Complainants can be members of the public, councillors, or employees of the Council. Initially the identity of a complainant will only be made known to those who need to consider a complaint. Care will be taken to maintain confidentiality where circumstances demand,
e.g., where matters concern financial or sensitive information or where third parties are concerned.

2. Complaints outside this Code

The complaints in the table below are excluded from this code.

Type of conduct	Complain to
Financial Irregularity	Complaints about financial irregularity should be referred to the Council's auditor, whose name and address can be obtained from the Clerk. (Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998).
Criminal activity	The Police

Member conduct	A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer at Rugby Borough Council.
Employee conduct	Clerk to the Council to be dealt with under internal disciplinary procedure. (If the complaint is about the Clerk, the complaint should be referred to the Chairman).

3. **Complaints Committee**

A Complaints Committee, consisting of three Councillors, will be established. This needs to be done at an ordinary or if needed extraordinary meeting of Stretton on Dunsmore Parish Council.
The Chairman of the Complaints Committee will be elected by members.
All complaints will be deemed to be Informal Complaints unless a written complaint states that it is a Formal Complaint.

4. Complaints Procedure

INFORMAL COMPLAINTS PROCEDURE

- An informal complaint may be given orally or in writing to the Clerk.
- If a complaint is given to a Councillor, it is their duty to notify the Clerk or Chairman of the Council.
- The Clerk or Chairman of the Council will speak directly to the complainant. and will attempt to settle the complaint and to ensure that the complainant. feels satisfied that their grievance has been fully considered, taken seriously, and acted upon accordingly.
- If the complaint cannot be resolved, the Clerk will be informed, and he/she will instigate the **Formal Complaints Procedure.**

FORMAL COMPLAINTS PROCEDURE

- All formal complaints will be heard in public unless the Complaints Committee expressly resolves to exclude the press and public using Standing Order number 3.d due to the confidential nature of the complaint.
- To resolve the formal complaint, the Complaints Committee will hold a formal hearing to review the complaint and make a recommendation on behalf of the Council.
- The complainant will be invited to attend the formal hearing if s/he so wishes.

Before the Meeting

A Formal Complaint must be lodged in writing and sent to the Clerk. The letter must state that a Formal Complaint is being lodged and should provide the following information:

- Name, address, and telephone number of the complainant.
- The complaint about the Council's procedures or administration.
- How the issue has affected the complainant.
- Copies of any relevant documents or other evidence to which the complainant may wish to refer at the meeting.

- Details of third parties and their involvement.
- What action the complainant believes will resolve the complaint.
- If the complainant does not wish to put the complaint to the Clerk, he/she should
  be advised to address the complaint to the Chairman of the Council.
- The Clerk will acknowledge the complaint and inform the complainant that a mutually convenient date for a Complaints Hearing will be scheduled ***within 28 days.***
- The Clerk will issue an agenda for the Complaints Formal Hearing ***not less than 3 days*** before the formal hearing of the Complaints Committee.
- The Clerk will invite the complainant to bring with him/her one such representative who may speak on his/her behalf.
- ***Any documentation not already supplied must be sent to the Clerk seven clear***
  days before the meeting.
- If either party provides details, documentation or evidence less than seven days before the meeting, the Chairman of the Complaints Committee will decide whether to admit it.

At the Meeting

The Complaints Committee will decide whether the circumstances of the meeting warrant the exclusion of the public and the press. The Chairman of the Complaints Committee will introduce everyone and explain the procedure.

The complainant and his/her representative (if any) will detail the complaint to the Complaints Committee. Members of the Complaints Committee, if they wish, will ask questions of the complainant relating to the complaint.

The Clerk or Councillor will present the Council's position relating to the complaint (if necessary). Members of the Complaints Committee, if they wish, will ask questions of the Clerk/Councillor.

The Clerk/Councillor and the Complainant will be offered the opportunity to make any final comments (in that order).

The Complaints Committee will then consider the complaint in private for a maximum of 30 minutes.

The Complaints Committee can re-open the meeting if clarification of points is needed from either party, but **both parties** must be invited back to the meeting.

The Chairman may adjourn the meeting if wished in order that specialist advice may be sought.

The Chairman will ask all parties to re-join the meeting to inform them of the Complaints Committee's recommendation to full Council.

If a recommendation cannot be reached at the meeting, the Chairman will advise when the recommendation will be made and communicated to the complainant.

5. **Conclusion**

Any recommendation on a complaint will be minuted and announced at the next meeting of the Council in public.
Within seven days of the Council accepting the recommendation of the Complaints Committee, the Clerk will put the decision in writing to the complainant.
If a complaint cannot be settled by the Council, it cannot refer the complaint to any other body for settlement.

This policy was adopted by Stretton on Dunsmore Parish Council on 11th March 2024 and will be reviewed again in three years time.