

## COMPLAINTS POLICY AND PROCEDURE

### Introduction

Alveley and Romsley Parish Council seeks to conduct its business in an honest, open and transparent manner. It expects the highest standards from members of the Council and its Clerk. It takes all complaints seriously and will seek to deal with them as quickly and effectively as possible, in a manner that respects the rights of individuals to bring complaints and complies with data privacy requirements.

When a complaint is made against the Parish Council, members of the Council or the Clerk may be referred to. However, all complaints will be treated as complaints against the 'body corporate' of the Council, not as complaints against the individuals referred to.

Complaints in the following areas are not covered by this policy:

- Financial irregularity – the complaint should be referred in writing to the current external auditor (as set out under Section 27 of the Local Audit and Accountability Act 2014, and the Accounts and Audit Regulations 2015). The Clerk will provide the contact details.
- Suspected criminal activity – should be referred to the Police.
- Councillor's conduct – complaints should be referred to the Clerk, and be dealt with according to the Parish Council's approved Code of Conduct under the supervision of Shropshire Council's Monitoring Officer.
- Where a complainant seeks redress for personal injury, damage to property or other financial loss, or where the Council is at risk of being held liable to pay damages or to provide another legal remedy, the matter will be referred in the first instance to the Council's insurers.

### Complaints Policy

1. The procedures for dealing with any complaints that anyone may have about Alveley and Romsley Parish Council's administration, practices and procedures are set out below. Complaints against policy decisions made by the Council can be referred back to the Council [but note Section 7 of the Council's Standing Orders, which prevents decisions from being reversed within six months, except in limited cases].
2. The aim of the Parish Council is that its complaints procedures are:

- well publicised, easily accessible and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective;
- based on clear procedures and defined responsibilities;
- thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to the special needs and circumstances of the complainant;
- fully supported by councillors and officers, and;
- timely.

### Complaints Procedure

3. If a complaint is notified orally to a Councillor or the Clerk to the Council, that individual should seek to deal with the complaint through personal or telephone contact to the entire satisfaction of the complainant. If that fails, the complainant should be requested to make a formal written complaint to the Clerk to the Council and be assured that it will be dealt with promptly after receipt. Any written complaint will be acknowledged within five working days. The complainant will be asked at the outset if he/she wants the complaint to be treated confidentiality. In all circumstances the Parish Council will comply with the Data Protection Act 2018 and the General Data Protection Regulation (the "GDPR").
4. If the complainant prefers not to put the complaint to the Clerk, he or she should be advised to put the complaint to the Chairman of the Council. Complaints about the Clerk's conduct should be referred to the Chairman of the Council. He/she will consult with the Chairman of the Staffing Committee since they may need to be dealt with under the Parish Council's Disciplinary and Grievance Procedure. The complainant will be notified of the relevant contact details.
5. On receipt of a formal written complaint the Chairman of the Council or the Clerk to the Council shall try to resolve the complaint directly with the complainant. This shall not be done without first notifying the person complained against and giving him/her an opportunity to comment. Efforts should be made to settle the complaint at this stage, but a period of not more than two weeks will be allowed for the complaint to be resolved. If the complaint is dealt with to the apparent satisfaction of

the complainant, a letter will be sent to the complainant confirming the outcome.

6. The Clerk to the Council or the Chairman shall report to the next meeting of the Parish Council that a formal written complaint has been dealt with by direct negotiation with the complainant, as in paragraph 5. However, the identity of the complainant will not be disclosed in open session.
7. The Clerk to the Council or Chairman of the Council shall bring any written complaint that has not been settled to a meeting of the Parish Council at the earliest opportunity. This will be considered in closed session, after the exclusion of the public and press (Public Bodies (Admission to Meetings) Act 1960 s.1.2.).
8. At that meeting the Council will form a Complaints Committee to hear the complaint. The Clerk shall notify the complainant of the date on which the complaint will be considered. The complainant shall be offered an opportunity to explain the complaint orally. [In the case of a complaint against the Clerk to the Council's conduct it will be dealt with by the Staffing Committee in closed session. If a complaint is upheld, the Disciplinary and Grievance Procedure will be triggered].
9. Consideration by either Committee may be deferred until appropriate advice is received.
10. Any decision reached by either Committee shall be reported to the Parish Council in closed session.
11. As soon as possible after the decision has been made, the decision and any consequential action to be taken shall be communicated in writing to the complainant. The letter will contain details of the Council's appeals procedure, if the complainant is unhappy with the Committee's decision.
12. If the complainant decides to appeal against the Complaints Committee's decision the Clerk shall notify the complainant of the date on which the appeal will be considered by the Council; which shall be at the next meeting. The complainant shall be offered an opportunity to attend and present the appeal orally. The public and press will be excluded. Those Councillors who were members of the Complaints Committee will not be involved in hearing the appeal.

13. If the Council is of the opinion that issues of law or practice arise on which advice is necessary the appeal shall be dealt with at the next meeting after the advice has been received.
14. As soon as possible after the decision has been made, the decision and any consequential action to be taken shall be communicated in writing to the appellant. This will be the final decision of the Council on the complaint. Other than in exceptional circumstance, the process from receiving a written complaint to the final decision will be not more than twelve weeks.
15. Habitual or vexatious complaints  
Where the complaints procedure has been exhausted, no further action will be taken and all subsequent attempts to re-open the matter or a similar or closely related matter may be considered as vexatious. Similarly a complainant may make a series of complaints which are the same or similar to matters which have recently gone through the complaints procedure. These are likely to be judged as vexatious.

These matters will be dealt with by the Clerk. If the complaint(s) involve the Clerk, the matter will be dealt with by the Chairman; if he/she is also involved the matter will be dealt with by the Complaints Committee which considered the original complaint

If the Complaints Committee declare the complaint(s) vexatious, the complainant will receive a letter setting out the Council's position. That is it will:

- Only accept written communications addressed to the Clerk and that no other forms of communication such as by telephone, email or personal visits or contacts with Councillors will be accepted.
- All letters will be read in whole or in part by the Clerk and their receipt may be acknowledged, at the discretion of the Clerk.
- This procedure will remain in force for 6 months from the letter from the Complaints Committee.

At the end of the 6 month period the Council will accept communications from the complainant that are in accordance with this policy.

This policy was previously reviewed by the Council on

5<sup>th</sup> July 2016

Policy updated