COMPLAINTS PROCEDURE

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AYTHORPE RODING PARISH COUNCIL COMPLAINTS PROCEDURE

Content

Introduction	3
Definition of a complaint	3
Complaints Officer	3
When the complaints procedure will not be appropriate	4
Stages of the procedure	5
Unreasonable and vexatious complaints	6
Anonymous complaints	7

Introduction

Aythorpe Roding Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality.

If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, this Policy sets out how you may complain to the council and how we shall try to resolve your complaint.

It is generally in the interests of the complainant and the council to try to resolve the matter informally through normal channels of communication, rather than deferring to the formal complaint's procedure, wherever possible.

When a complaint is made, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against the council will be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.

A complaint about the conduct of employees must be handled in accordance with the complaints procedure. If, following the outcome of the complaint, the council decides there may be a need to take disciplinary action, this will be in accordance with the disciplinary and grievance policy.

Definition of a complaint

The Local Government & Social Care Ombudsman (LGO) defines a complaint as
'an expression of dissatisfaction about the Councils' action or lack of action about the standard of a service, whether the action was taken, or the service was provided by the Council itself or a person or body acting on behalf of the Council.'

The Parish Council will investigate a complaint from a person, or their nominated representative, if it is one of the following:

- An expression of dissatisfaction about the failure to provide or meet expected standard of a service.
- Neglect or delay in responding to a contact with the Parish Council.
- Failure to observe the Parish Council's policies or procedures.
- Discourteous or dishonest conduct by a member of staff.
- Harassment, bias or discrimination.

Complaints Officer

The complaints officer for Aythorpe Roding Parish Council is the Clerk, therefore, all complaints about the council's procedures or administration must be made in writing or emailed to the Clerk. The Clerk will normally try to acknowledge your complaint within five working days. Email the Clerk at clerk@aythorpe-pc.gov.uk.

If your complaint is about the Clerk, you may make your complaint directly to the Chair of the Council who will then act as the Complaint Officer.

When the complaints procedure will not be appropriate

Alleged Financial Irregularity

Local electors have a statutory right to object to the Council's audit of accounts (s.16 Audit Commission Act 1998). Any person interested has the right to inspect and make copies of the accounting records for the financial year to which the audit relates. Documents relating to the records must be made available for inspection during the 30-day inspection period required by the Local Audit and Accountability Act 2014 s26&27 and the Accounts and Audit Regulations 2015.

Alleged Criminal Activity

Any such alleged matters must be referred to the police.

Decisions of the council

Where a person wishes to disagree with a Parish Council decision or policy.

Freedom of information act

Where a person wishes to make a request under the Freedom of Information Act or GDPR whereby there are alternative processes for representation in place. Members are free to raise matters of concern in respect of council business by the submission of a motion(s) on the agenda for relevant meetings where the matter can be formally considered and resolved. Alternatively, if a member has concerns about the conduct of a member of staff, the Chair of the Council should be notified. The Chair and any appointed HR professional will decide whether the concerns raised require disciplinary issues to be dealt with in accordance with the council's disciplinary and grievance policy.

If a member of staff has a complaint about the workplace or a councillor, this should be raised in accordance with the council's disciplinary and grievance policy.

Aythorpe Roding Parish Council requires that formal complaints are submitted in writing. As a minimum the complainant should provide the following information:

- Details of the complaint, including relevant events
- Relevant dates
- Relevant members, staff, or contractors of the council
- Contact details

The council may choose to process the complaint exclusively through written communications, or it may offer the complainant the opportunity to make verbal representation, although this may lengthen the period for dealing with the complaint. The complainant will be asked at the outset to confirm if the complaint is to be treated confidentially. The council must at all times comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

A complaint against the council must be properly investigated, and the council will need to set aside time to investigate the complaint and to gather evidence.

Stages of the procedure

The LGO recommends that any complaints should consist of at least two stages, which permits the complainant to appeal the outcome of the complaint. Staff or members involved in stage one of the complaint will not be involved in any stage two hearing.

First stage – receipt of formal complaint

A resident may wish to make a formal complaint directly or may be unsatisfied with the response to an informal complaint and wish to take the matter further. The Clerk will be responsible for the handling of the complaint.

Acknowledgement of the complaint will be responded to as soon as possible after receipt, this will usually be within 5 days. The acknowledgement will advise when the complaint will be responded to and whether the complaint is to be dealt with confidentially. The Clerk will explain the next steps in the complaint's procedure and may offer to invite the complainant to attend a meeting to discuss the issue. The complainant may bring a friend or associate to the meeting if they so wish.

The response will be provided in writing and will normally be responded to within 20 working days of receipt of the complaint. Any amendment to this will be provided to the complainant in writing. Additional evidence or new information may be provided within the 20-working day period during which the matter is under investigation. As part of the response, the complainant will be advised that if they are unsatisfied with the outcome of their complaint, they will have the right to take the matter further.

Second stage – review of complaint

On receipt of a request for further review of the complaint, the request will be forwarded to the Chair of the Council who will acknowledge receipt of the request for a review within 5 working days. In the event the Chair is unavailable, the complaint will be passed to the Vice-Chair for acknowledgement.

A meeting of the Council will be convened within 20 working days of receipt of the request for a review where the matter will be discussed and a report compiled within 10 working days of that meeting. The complainant will be advised of the date of the meeting. Further evidence or new information may be provided in time for the Council meeting, and the complainant will be invited to address the committee, bringing a friend or associate if they so wish.

Meetings with the complainant

If the complainant accepts an offer to meet and discuss the complaint, the Clerk or Chair of the Council will explain how the meeting will proceed. The complainant will be invited to outline the grounds for the complaint, which will be followed by questions from the Clerk or by members of the Council, depending on the stage of the complaint. The Clerk or Chair of the Council will explain the Council's position and questions may then be asked

by the complainant. Both sides will then have the opportunity to summarise their respective position and the complainant will then be advised when a decision will be made, and when it is likely to be advised to them.

Resolutions

Within the time frames specified, the council should write to the complainant to confirm if the complaint has been upheld or not. The reason for the decision should be given, and if the decision is upheld, an apology provided. If appropriate, the council may also explain the steps to be taken to reduce the risk of the matter complained of being repeated.

Unreasonable and vexatious complaints

There may be occasions when a complainant persists in trying to pursue a complaint, either when it has no reasonable basis, or when the council has already taken reasonable action in response or where alternative processes have already been pursued. In this event the matter will be referred to council with a full summary of the complaint and attempts made to resolve the issue. The council may decide that no further action can be taken in response to the complaint and will advise the complainant so, making clear that only new and substantive issues will be responded to.

There may be occasions when a complaint may be manifestly unfounded, for example:

- an individual makes a complaint but then offers to withdraw it in return for some form of benefit from the council
- the complaint is malicious in intent and is being used to harass the council and/or its members with no real purpose other than to cause disruption.
- the individual is known to have stated, or explicitly states in the complaint itself or in other communications, that they have some personal grudge against the council, i.e.,
    - that they intend to cause disruption;
    - make unsubstantiated accusations against the council, councillors and/or specific employees which are clearly prompted by malice;
    - target a particular employee against whom they have some personal grudge;
    - systematically send different complaints as part of a campaign, e.g. once a week, with the intention of causing disruption.

In this event the matter will be referred to council with a full summary of the complaint, and a report of the circumstances by which it is considered unfounded drawn up by the Clerk (or the Chair if the complaint is about the Clerk). The council may decide that no further action can be taken in response to the complaint and will advise the complainant so, making clear that the complaint is considered manifestly unfounded and will not be responded to.

Anonymous complaints

The Parish Council will not action any information/complaints made anonymously, whether by telephone, email or letter, and will report any potentially criminal matter to the Police.

If any Parish Councillor or the Clerk receives an anonymous phone call, the caller will be advised that anonymous calls cannot be actioned other than to inform the Police, if appropriate, and that any complaint against the Parish Council should be put in writing to the Clerk, and any complaint about an individual Parish Councillor reported to the Chair of the Council.