

Guiting Power Parish Council

Adopted: May 2023

Complaints Policy

Definition

The Council uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by the National Association of Local Councils (NALC):

'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.'

In accordance with NALC/LGO guidelines, the Council will endeavour to ensure that its 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 identify patterns of complaint and lessons for service improvement.

Confidentiality

The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider the complaint. The Council will take care to maintain confidentiality where circumstances demand — for example, where matters concern financial or sensitive information, or where third parties are involved.

Complaints Procedure

The procedure set out in this policy is not appropriate where a complaint is made against an individual. Serious complaints relating to the conduct of an individual should be dealt with as follows:

- Complaints against Members of the Council — through the Monitoring Officer.
- Complaints against members of staff — through the Council's internal procedures.

The following procedure is designed for complaints which cannot be resolved by less formal measures, or by explanations provided to the complainant by the Parish Clerk or the Chair of the Council.

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

Before the Meeting

The complainant should be asked to put their complaint about the Council's procedures or administration in writing to the Parish Clerk.

If the complainant does not wish to address the complaint to the Parish Clerk, they should be advised to direct it to the Chair of the Council.

The Parish Clerk shall acknowledge receipt of the complaint within 14 days and advise the complainant when the matter will be considered by the Council, or by a committee established for the purpose of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential, or whether notice of it will be given in the usual way (for example, if the complaint is to be heard by a committee).

The complainant shall be invited to attend the meeting and may bring a representative if they wish.

Fourteen clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence they intend to rely on. The Council shall provide the complainant with copies of any documentation upon which it intends to rely, doing so promptly and in sufficient time for the complainant to read the material before the meeting.

At the Meeting

The Council will consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint will be announced at a council meeting held in public.

The meeting will be conducted in the following order:

1. The Chairman will introduce all parties and explain the procedure.
2. The complainant (or their representative) will outline the grounds for the complaint.
3. Members may ask questions of the complainant.
4. Members may ask questions of the Clerk.
5. The Clerk and the complainant will each be offered the opportunity to summarise their position, in that order.
6. The Clerk and the complainant will be asked to withdraw while Members deliberate on whether the grounds for the complaint have been established. If a point of clarification is required, both parties will be invited to return.
7. The Clerk and the complainant will return to hear the decision, or to be advised when the decision will be made.

The decision will be confirmed in writing within 14 working days, together with details of any action to be taken.

Further Action

If the complainant remains dissatisfied following the Council's decision, they may refer the matter to the Local Government Ombudsman (LGO). The LGO provides an independent review service and details of how to make a referral are available at www.lgo.org.uk.