

CLIVE PARISH COUNCIL COMPLAINTS PROCEDURE

Adopted: 18 February 2016

Revised and re-adopted: 18 April 2019, Sept 2026

Reviewed: 15 April 2021, April 2023, April 2025

Next review date: Sept 2028

In order for any complaint about Clive Parish Council to be dealt with, the following procedure has been adopted so that members of the public can be assured that any grievance will be properly and fully considered. It is hoped that by following this transparent process, the reputation of the Council will be maintained.

The Parish Clerk is the Proper Officer of the Council and will represent and advise the Council at any meeting where the complaint will be aired, unless the complaint is about the Clerk, or the Clerk is putting forward the justification for action or procedure of the complaint.

Aim of the Complaints Procedure

- I. To ensure that all complaints from members of the public are handled swiftly and courteously, in a transparent and impartial manner, to a resolution acceptable to all parties.
- II. To ensure that processes are reviewed to prevent issues re-occurring.
- III. To improve the Council's services.

What may constitute a complaint?

A complaint is an expression of dissatisfaction about the policies, procedures, administration, and the standard of service, actions or lack of action by Clive Parish Council or a person or body acting on behalf of the Council.

Data Protection Complaints

These may relate to concerns about how your own personal data is handled by the Council, or the Council's response to a request to exercise your rights under UK GDPR (e.g. a Subject Access Request, Right of Erasure, etc.). In most cases, the process the Council will follow in handling a Data Protection complaint will closely mirror the general complaints procedure detailed below, but any differences will be stated clearly.

Freedom of Information (FOI) complaints

FOI complaints relate to how the Council has handled a request for information made under the Freedom of Information Act, 2000, and may include complaints about delays, refusals, exemptions applied, or the information provided in the Council's FOI response. FOI complaints are not the same as Data Protection complaints, which deal specifically with your own personal data. Under the Freedom of Information Act, 2000 there is no obligation for an authority to provide a complaints process, however it is good practice for Councils to conduct an internal review if the complainant is not satisfied with the outcome of their FOI request.

What if you have a complaint about the actions of a particular Councillor (or Councillors)?

This Complaints Procedure does not cover complaints about the conduct of a member of the Parish Council. All Councillors sign a declaration to undertake to observe the Code of Conduct adopted by the Parish Council. A full copy of the Code of Conduct is available on the [Policies page of the Parish Council's website](#). If a complainant feels a Councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to:

**The Monitoring Officer, Legal and Democratic Services, Shropshire Council,
Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

Complainants can also [submit a formal complaint about Councillor conduct on the Shropshire Council website](#).

What happens if you have a complaint?

1. The first priority is to raise the issue with the Parish Council.
2. If a complaint is notified verbally to a Councillor, or to the Clerk, a written record of the complaint will be made, noting the name, date/time and contact details of the complainant, and the nature of the complaint.
3. The complainant will be asked to put the complaint in writing (letter/e-mail) to the Clerk (contact details can be found at the end of this policy) giving names and addresses and relevant dates with as much information as possible. The complainant will be asked to confirm in writing if he or she wants their complaint to be treated confidentially.
4. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example), he or she should be advised to write to the Chairman of the Council.
5. The Clerk will log all complaints and acknowledge them in writing, normally within 5 working days. However, due to the Council only having one part-time employee, the Clerk, some acknowledgements may take longer. The Council will aim to acknowledge all Data Protection complaints within 30 days.
6. The Council may need to verify your identity before it can proceed with a Data Protection complaint. Acceptable forms of ID can be found in the appendix at the end of this Complaints Procedure. If you are making a Data Protection complaint on behalf of someone else (i.e. a complaint that relates to someone else's personal data, not yours), you will need to provide appropriate proof of authorisation e.g. Power of Attorney, or signed letter of authority.
7. It is hoped to be able to resolve most non-complex complaints immediately, but for more complex issues a thorough investigation may need to be undertaken. In all cases, we will review the facts fairly and objectively, and depending on the nature of the complaint, investigations may also involve:
 - speaking with relevant staff/Cllrs
 - comparing records and the complaint
 - checking compliance with UK GDPR and other Council policies
8. On receipt of a complaint, the Clerk or the Chairman (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying the Chairman and Vice Chairman and any person complained about and giving them an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
9. Where the Clerk or a Councillor receives a complaint about the Clerk's actions, he or she shall refer the complaint to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment. Any matter relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's Grievance and Disciplinary procedures.

10. Investigations will be dealt with as quickly as possible, and under normal circumstances the complainant should receive a written response within 15 working days (30 days for Data Protection complaints). The written response may possibly be delayed by the following:
- Staff/Cllr absence
 - If either party requests an informal meeting as part of the investigations
 - If the Parish Council believes that further advice is necessary
 - If a complaint has not been satisfactorily resolved before the next Council meeting
- If a delay seems likely for any reason, then the Council will keep the complainant informed on expected timeframes.
11. Should either party request a meeting as part of the investigations, the Council will be represented by 2 people, normally the Clerk and Chairman. The date and venue of the meeting will be mutually agreed, allowing 5 days for any new information or evidence relevant to the complaint to be reviewed by both parties. A meeting between parties may result in a written response being delayed.
12. All complaints will appear on the agenda for discussion at the next full Council meeting whether they have already been resolved or not. The Council believes that complaints can provide useful information and feedback.
13. Under the Public Bodies (Admission to meetings) Act 1960, the Council may consider whether the circumstances warrant the complaint being discussed in the absence of the press and public. In the interests of openness and accountability, there must be clear, relevant reasons, or a request from the complainant for the matter to be held without the presence of the press or public. Any Council decision, however, will be made public at the end of the meeting.
14. If a complaint has not been satisfactorily resolved by the time of the next full Council meeting, the Clerk will notify the complainant of the date of the Council meeting.
15. If the complainant is submitting documentation or evidence for the Parish Council meeting, they should provide copies to the Clerk at least 7 clear working days before that meeting. Similarly, the Clerk will supply the complainant with copies of any Parish Council documents that are requested, provided these are available under the Freedom of Information Act, 2000.
16. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint dealt with at the next full Council meeting after the advice has been received.
17. As soon as possible after the Council has made a decision on the complaint (and in any event not later than 10 days after the meeting), the complainant will be notified in writing of the decision and any action to be taken.
18. Under the Local Government Act, 2000, s.92 (payments in cases of maladministration), the Council may consider in the circumstances of any particular complaint whether to make any without liability payment, or to provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

What if you are not satisfied?

The Council is committed to dealing with all complaints fairly and impartially.

If the complainant is not satisfied with the response to the complaint, they have the opportunity to attend the next full meeting of the Council and to explain the reasons to the Council. Alternatively, a meeting with the Clerk and/or Councillor(s) can dispel misunderstandings and move matters towards a resolution.

It may transpire that the complaint cannot be resolved to the mutual satisfaction of both parties and an advocate might be helpful. If required, the Council will help the complainant find an independent advocate.

Prior to taking any further action, the Council would ask any complainant to consider whether:

- the complaint has been investigated properly;
- any decision reached is fair and impartial; and
- communication with the complainant has been adequate.

It should be noted that currently the Local Government and Social Care Ombudsman has no jurisdiction over Parish and Town Councils.

FOI and Data Protection complaints: Right to complain to the Information Commissioner

If a complainant is not content with how a Data Protection complaint or FOI complaint/internal review was handled, then complaints may be made directly to the [Information Commissioner](#) (the ICO).

Generally, the ICO will not investigate a complaint until the Council's own Complaints Procedure has been exhausted.

[Details on how to contact the ICO can be found on the ICO's "Contact Us" webpage.](#)

You can also call the ICO helpline on: 0303 123 1113

Contact Details

Parish Clerk:

Mrs Lydia Bardsley,
Email: clerk@clive-pc.gov.uk
Tel: 01691 674742
11 High Fawr Close, Oswestry, Shropshire, SY11 1TE

Chairman:

Mr Sandy Goldwyn,
Email: s.goldwyn@clive-pc.gov.uk
Tel: 07724 702700
Freshfields, Mine Bank, Clive, Shrewsbury, SY4 3JW

APPENDIX: ACCEPTABLE FORMS OF IDENTIFICATION

Certain types of complaints may require the Council to verify your identity before proceeding to investigate the complaint. The council accepts the following forms of identification (* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months):

- Current UK/EEA Passport
- Current UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate
- EEA National Identity Card
- Full UK Paper Driving Licence
- State Benefits Entitlement Document*
- State Pension Entitlement Document*
- HMRC Tax Credit Document*
- Local Authority Benefit Document*
- State/Local Authority Educational Grant Document*
- HMRC Tax Notification Document
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company+
- Judiciary Document such as a Notice of Hearing, Summons or Court Order
- Utility bill for supply of gas, electric, water or telephone landline+
- Most recent Mortgage Statement
- Most recent council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society Passbook which shows a transaction in the last 3 months and your address