

## RENHOLD PARISH COUNCIL COMPLAINTS PROCEDURE



### Definition

1. 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 **RENHOLD PARISH COUNCIL** (the Council).
2. A complaint may also be an expression of dissatisfaction that is made against an employee of the Council.

### Introduction

3. Pursuant to the Local Government Act 1972 s34 (1) the Local Government Ombudsman (LGO) has limited jurisdiction over parish Councils in England. It may be able to consider a complaint about a parish if it is acting on behalf of another Council.<sup>1</sup>
4. The LGO does not have the power to look at a complaint about a parish councillor. Such complaints should be made to the Council.
5. The Council receives queries, problems and comments as part of its day to day business and not all such communications shall be regarded as complaints.
6. Complaints should be made to the Clerk to the Council, PO BOX 1548 Bedford MK44 5AX (01234 771702). Alternatively, to [lizzie\\_barnicoat@hotmail.com](mailto:lizzie_barnicoat@hotmail.com). If the complaint relates to the Clerk, then it should be made to the Chair of the Council using the same postal address or [Nicky.Gribble@unilever.com](mailto:Nicky.Gribble@unilever.com).

### Informal Complaints

7. It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Parish Clerk, or Chair, will resolve most issues raised by a member of the public.

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<sup>1</sup> <https://www.lgo.org.uk/make-a-complaint/fact-sheets/other-topics/parish-councils>

8. Any informal complaint will be brought to the Council by the Chair or Parish Clerk to be noted.

## **9. Formal Complaints**

- 9.1. All formal complaints against the Council must be confirmed in writing. This may be by letter or email. The Council may ask the complainant to complete its complaint form. The Council may also ask the complainant to provide more information about the complaint.
- 9.2. The complainant will be asked at the outset to confirm if they want the complaint to be treated confidentially. However, at all times the Council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.
- 9.3. The Council may also have reporting obligations to its insurers and should the identity of the complainant be relevant for this purpose, the complainant will be notified that the Council will disclose full details of the complaint to the insurers.
- 9.4. At the very least, a complaint should include the following information:
  - 9.4.1. the postal address or email of the complaint;
  - 9.4.2. the matter complained about (including relevant events, dates, names of relevant people);
  - 9.4.3. the person or persons complained about (if any);
  - 9.4.4. what outcome the complainant is seeking and why.
- 9.5. The Clerk or Chairperson shall acknowledge receipt of the complaint in writing within 10 working days confirming to the complainant if the complaint will be treated as confidential and confirming the next steps in the complaint's procedure.

## **10. Investigating a Formal Complaint**

- 10.1. The Council will appoint an investigation committee to be chaired by either the Clerk or Chairperson (depending upon who has been complained against) or the Council may designate a Chair for the investigation committee from amongst its councillors.
- 10.2. The investigation committee will investigate the facts of the complaint and collate relevant evidence within 28 working days of the complaint having been received. If additional time is required this shall be notified to the complainant. Any extension of time shall be reasonable to the reason as to why it is needed.

- 10.3. The investigation committee at its sole discretion may allow the complainant to make verbal representations to the investigation committee. In such a case, the complainant will be invited to meet with the investigation committee and such a meeting shall be held within 10 working days of the complainant being invited to make verbal representations. At the same time, the Chair of the investigation committee will provide a written explanation of the process that is to be followed at this meeting.
- 10.4. No later than 5 working days before the meeting with the investigation committee, the complainant should present any new information or other evidence relevant to the complaint to the investigation committee and within the same time frame, the investigation committee shall provide the complainant with any information or evidence relevant to the complaint that it may have that it reasonably believes the complainant is unaware of.
- 10.5. If verbal representations are to be made, the complainant should outline the grounds for complaint and, thereafter, questions may be asked by the investigation committee.
- 10.6. The Chair of the investigation committee will explain the Council's position and questions may be asked by the complainant.
- 10.7. The complainant and the investigation committee will have the opportunity to summarise their respective positions before the meeting concludes.
- 10.8. The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.
- 10.9. In the event that the investigation committee has decided against verbal representations, or the complainant has declined to make any, the investigation committee shall, within 28 working days of the complaint having been received, determine the complaint on the information received and evidence gathered. If additional time is required this shall be notified to the complainant. Any extension of time shall be reasonable to the reason as to why it is needed.

## **11. After the complaint has been decided**

- 11.1. Within the 10 working days of a decision on the complaint having been made, the Chair of the investigation committee shall write to the complainant to confirm whether or not the complaint has been upheld along with the reasons for the decision reached.

- 11.2. Details of any action to be taken by the Council shall be outlined at this stage. Where the complaint is against an employee of the Council the outcome will be subject to compliance with relevant employment law and ACAS guidance being observed.
- 11.3. The complainant may appeal the decision of the investigation committee within 28 working days of the decision being communicated to the complainant. If an appeal is made, then the complainant should set out clearly what the grounds and reasons of appeal shall be. An appeal will be considered invalid if it repeats in substance the original complaint.
- 11.4. An appeal shall be considered by a differently constituted investigation committee within 28 working days of its receipt. This committee will, first of all, consider the validity of the appeal. If the appeal is valid, it will consider the grounds and reasons for appeal, along with the papers or evidence before the original investigation committee.
- 11.5. A decision on the appeal will then be communicated to the complaint within 10 working days of this meeting and such decision will be final.

## **12. Unreasonable and Vexatious Complaints**

- 12.1. There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.
- 12.2. These matters will be referred to the Council by the Parish Clerk with a summary of the issues and of the attempts made to resolve the complaint.
- 12.3. The Council may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## **13. Anonymous Complaints**

- 13.1. Anonymous complaints at the discretion of the Council will be disregarded.

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