

# SALESBURY PARISH COUNCIL

## COMPLAINTS PROCEDURE

### 1. Introduction

This complaints procedure is designed to deal with complaints made about the Council's action or perceived lack of action, or about the standard of a service. It applies whether the action/inaction or the service provided was done so by the Council itself (acting as a body corporate), or by a person or body acting on behalf of the Council.

Any complaint can only be processed by the Council at a properly convened meeting of either the full Council or of a committee or sub-committee tasked with investigating the matter.

In certain circumstances, it may be necessary to refer to procedures/bodies other than the Parish Council, for example in respect of the following types of complaint:

|                                                                                          |                                                                                                                   |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Individual member's conduct alleged to breach the Code of Conduct adopted by the Council | Ribble Valley Borough Council's Monitoring Officer will be contacted as they hold responsibility for such matters |
| Alleged financial irregularity                                                           | Local electors have a statutory right to object to a Council's audit of accounts (Audit Commission Act 1998 s.16) |
| Alleged criminal activity                                                                | The Police                                                                                                        |

### 2. Definition of a complaint?

Generally, this will be about the Parish Council's procedures or administration. It will be 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 undertaken by the Parish Council or a person or organisation acting on its behalf.

Complaints should always be directed through the Clerk (except for complaints about the Clerk, in which case, the Chair of Salesbury Parish Council takes the place of the Clerk in managing the process).

It may be that the matter you are concerned about could be dealt with in a less formal manner, however, if you wish to use the procedure, please read on.

### 3. Making a complaint

We cannot please everyone all the time. What we can promise is to listen and to do what we can to deal with your problem.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. Salesbury Parish Council receives queries, problems and comments as part of its day-to-day business, and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk or delegated Councillor will resolve most issues. Any informal complaint will be reported to the Parish Council by the Clerk.

If your complaint is notified orally to a Councillor or to the Clerk to the Council, a written record of the complaint will be made, noting your name and contact details and the nature of the complaint.

You will be asked to put the complaint in writing (letter or e-mail) to the Clerk to the Council. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

#### **4. What to do**

Complaints can be made in any of the following ways –

- Write or telephone the Clerk to the Parish Council (see Website for details). If you wish to write rather than e-mail, please contact the Clerk for the address.
- Write to the Chair of the Parish Council (see Website for details)
- If the complaint is about the Clerk, telephone or write to the Chair.

#### **5. What happens next?**

When your written complaint has been received, we will write to you within seven working days to let you know –

- Who is responsible for dealing with the complaint
- How it will be dealt with
- When the complaint is likely to be dealt with.

Where possible, the Clerk to the Council will seek to settle the complaint directly with you by explaining the Parish Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.

Generally speaking, complainants can expect to receive a response in full within a month of the acknowledgement of the complaint. This may be extended in complex complaints however you will be kept informed of progress.

#### **6. Complaint about the Clerk**

If the complaint is about the Clerk to the Council, you should write to the Chair. The Clerk will be formally advised of the matter and given an opportunity to comment.

These complaints will be dealt with by the Parish Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Parish Council are entitled. The complainant will be informed of any outcome after the investigation has been concluded.

#### **7. Complaint about the behaviour of a Parish Councillor in their role**

Members of Parish Councils sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to Ribble Valley Borough Council's Monitoring Officer, Council Offices, Church Walk, Clitheroe BB7 2RA.

A copy of Salesbury Parish Council's Code of Conduct is available on our website.

#### **8. Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in pursuing 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) has been taken. These matters will be referred to the Parish Council by the Clerk with a summary of

the issues and of the attempts made to resolve the complaint. The Parish 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.

## **9. Anonymous Complaints**

Anonymous complaints will be disregarded.

## **10. How will the procedure operate?**

Complaints about the Council's procedures, administration or policies will be dealt with by the Parish Council. The outcome of the complaint will be published.

In some circumstances it may be necessary to convene a meeting to discuss the complaint.

## **11. Before the complaints meeting**

- (a) Any complaint about the Council's procedures or administration should be made in writing to the Clerk to the Council at *(see website for details)*
- (b) If the complainant does not wish to make the complaint via the Clerk to the Council, it should be addressed to the Chair of the Council at *(see website for details)*
- (c) The Clerk to the Council/Chair will acknowledge receipt of the complaint and advise when the matter will be considered by either the Council or a nominated Committee working on behalf of the Council.
- (d) Please be aware that any complaint will be treated as confidential, and that the Council is obliged to comply with its duties under the Data Protection Act 1998 at all times, to safeguard against the unlawful disclosure of personal data.
- (e) The complainant will be invited to attend the meeting at which the complaint will be considered and be offered the opportunity to be accompanied by a representative, if required.
- (f) Seven clear working days prior to the meeting, the complainant is required to provide the Council with copies of any documentation or other items on which the complaint is based.
- (g) The Council will provide the complainant with copies of any documentation upon which it wishes to rely at the meeting and shall do so promptly, allowing the opportunity to read all material in good time for the meeting.

## **12. At the meeting**

- (a) The Council shall exclude the public and press whilst discussion of the matter takes place. Any decision on a complaint shall subsequently be announced at a meeting in public, whilst taking into account any duties to safeguard personal data as under (11 (d)) above.
- (b) The Chair will introduce everyone at the meeting, and explain the procedure to be followed.
- (c) The complainant will be asked to outline the grounds for the complaint, and thereafter, questions may be asked by (i) the Clerk and (ii) members of the Council.
- (d) The Clerk to the Council will then have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and then (ii) members.

- (e) The complainant will be offered the opportunity to summarise their position.
- (f) The Clerk will be offered the opportunity to summarise the position on behalf of the Council.
- (g) The Clerk and complainant will both be asked to leave the room whilst members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
- (h) The complainant will be given the opportunity to await the outcome but if a decision is unlikely to be finalised quickly, will be advised when a decision is likely to be made and communicated to them.

### **13. After the meeting**

- (a) Any decision will be confirmed in writing to the complainant within seven working days, together with details of any further action to be taken.
- (b) The Council's decision on the matter will be final, and no further appeal process will be offered.

## **REVIEWS**

### **May 2022**

- minor formatting changes
- Changes to ensure gender neutral grammar