# RISBY PARISH COUNCIL

## Complaints Procedure

This document is based on the framework suggested by the National Association of Local Councils.

If a complaint is made about Risby Parish Council's administration or procedures, or against the clerk or a parish councillor, Risby Parish Council will follow the procedure as set out below. Complaints about a policy decision made by the Council will be referred back to the Council for consideration at their next meeting.

**Making a complaint**

The Parish Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. We cannot please everyone all the time, but we can promise is to listen and to do what we can to deal with your problem. It is hoped that less formal measures or explanations provided by the clerk will resolve most issues. Any informal complaints will be reported to the Parish Council by the clerk.

Complaints should always be directed through the clerk (except for complaints about the clerk, in which case, the chair takes the place of the clerk in managing the process).

If you are not satisfied with the clerk's response, you may wish to make a formal complaint. Formal complaints can be made in any of the following ways:

- In writing (letter or email) to the clerk. If you wish to write rather than e-mail, please contact the clerk for her address.
- If the complaint is about the clerk, you will need to write to the chair.
- By telephone to the clerk or to the chair if the complaint is about the clerk.

If your complaint is notified orally to a councillor, or to the clerk, you will be asked to put your complaint in writing to the clerk. 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.

If you do not wish to put your complaint in writing, the clerk or chair will create a written record of the complaint noting your name and contact details and the nature of the complaint.

**Responding to a complaint**

When your complaint has been received, we will write to you within seven 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.

**What happens next?**

On receipt of your complaint, the clerk will seek to settle the complaint directly with you by explaining the Parish Council's position, if this is appropriate. If you are not happy with the clerk's response, it will be referred to the Parish Council at their next meeting.

**Complaint about the Clerk**

If the complaint is about the clerk you should write to the chair. The clerk will be formally advised of the matter and given an opportunity to comment.

**Complaint about the ethical behaviour of a parish councillor**

Members of parish councils sign a declaration to abide by a Code of Conduct. A complaint alleging a breach of the Code of Conduct should be made in writing the Monitoring Officer at West Suffolk Council.

**Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists with a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response. These complaints 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 of this decision making it clear that only new and substantive issues will merit a response.

**Anonymous Complaints**

Anonymous complaints will be disregarded.

**Dealing with a complaint at a meeting**

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

1. You will be invited to attend the meeting and to bring a representative if you wish.
2. Seven clear working days prior to the meeting, you are requested to provide the Parish Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Parish Council will provide you with copies of any documentation which it wishes to rely on at the meeting.
3. The Parish Council will consider whether the circumstances of the meeting warrant the exclusion of the press and public.
4. The chair will introduce everyone and will explain the procedure.
5. You, as the complainant, or your representative, will outline the grounds for your complaint.
6. Councillors will ask you or your representative questions. If relevant, the clerk will explain the Parish Council's position. Councillors will be able to ask the clerk questions as well.
7. The chair will summarise the Parish Council's position and you will then be offered the opportunity of summing up.
8. You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst councillors reach a decision on whether or not there are grounds for the complaint. It may be appropriate in some circumstances for the clerk to withdraw from the meeting as well whilst councillors reach a decision.
9. If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
10. You will then re-join the meeting to be advised of the Parish Council's decision together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.

**After the meeting**
The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

**Complaints relating to the Clerk**
These 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 action taken.

**What to do if you are still not satisfied**
The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils. If your complaint relates to financial irregularity and you are not satisfied with the Council's response, you have a statutory right to object to Council's audit of accounts under S.16 Audit Commission Act 1998. If you believe that criminal activity has taken place, this is a matter for the Police.

**Adopted at the meeting on 6th January 2022.**