



Serving the community

Blaby Parish Council

GENERAL POLICY NO.7 – COMPLAINTS HANDLING

Introduction

There are no statutory mechanisms in place should a complaint(s) be made against Blaby Parish Council. Therefore Blaby Parish Council adopted a complaints procedure on 11th August 2009.

Whether a complaints procedure is appropriate

It will not be appropriate to deal with all complaints from members of the public under the complaints procedure.

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, Blaby Parish Council may need to consult its auditor / Audit Commission
Criminal activity	The Police
Member conduct	A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the monitoring officer of the relevant principal authority.
Employee conduct	Internal disciplinary procedure

'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.'

A complaint about an employee of the Council (e.g. the Manager) should be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a Councillor(s) are now subject to the jurisdiction of the Monitoring Officer. Complainants will be advised to contact the appropriate body directly or the Monitoring Officer for further information. The contact details for which will be given to the complainant.

For the benefit of good local administration, the Parish Council has adopted a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the Council from other bodies. This procedure is a way of ensuring that complainant feels satisfied that at least their grievance has been properly and fully considered.

This procedure is adopted as an efficient way of dealing with complaints received and is a means of preserving the good reputation of the Council through a transparent process. If the Council fails to deal with complaints directly, they may have to utilise other resources in dealing with outside bodies, which the complainant has engaged to further highlight their dissatisfaction.

The Council has established the Staffing ~~& Appeals~~ Committee to deal with such complaints. This avoids the need for Full Council to assemble and also makes the process less daunting for a complainant if they choose to attend a meeting in person. The conclusion of the Committee is to be reported to the next Council meeting.

Under the Local Government Act 2000, the Standards Committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of parish town or community council. This does not affect complaints regarding maladministration and procedure.

Confidentiality

The identity of a complainant should only be made known to those who need to consider a complaint. It may not be feasible to deal with complaints outside the committee structure but, nevertheless, the Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

Time Targets

Acknowledgement of receipt of a complaint will be made within 7 days. No complaint will be left open-ended and complaints will be handled as quickly as possible. Clearly, some flexibility is required to deal with lengthier and more complex complaints.

Remedies

Blaby Parish Council will consider whether:-

- a. that action taken by or on its behalf in the exercise of its functions amounts to, or may amount to, maladministration, and
- b. that a person has been, or may have been, adversely affected by that action.

The Council may, if they think appropriate, make a payment to, or provide some other benefit to, that person. (Parish councils have the power (i) to make a payment or (ii) to provide some other benefit where action amounts to or may amount to maladministration. 'Maladministration' is a broad concept. It has been described as including 'bias, neglect, inattention, delay, incompetence, ineptitude, perversity, turpitude and so on').

The Procedure

The procedure set out in the attached appendix is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the ways suggested at paragraph one Page 1. The attached procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Manager (or other nominated officer) or Chairman.

At all times, the rule of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

APPENDIX – COMPLAINTS PROCEDURE

Before the Meeting

1. The Complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Manager or other nominated officer.
2. If the Complainant does not wish to put the complaint to the Manager or other nominated officer, he or she should be advised to address it to the Chairman of the Council.
3. The Manager or other nominated officer shall acknowledge receipt of the complaint and advise the Complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints. The Complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The Complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the Complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
7. The Chairman should introduce everyone and explain the procedure.
8. The Complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Manager or other nominated officer and then (ii), Members.
9. The Manager or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the Complainant and (ii), Members.
10. The Manager or other nominated officer and then the Complainant should be offered the opportunity to summarise their position.
11. The Manager or other nominated officer and the complainant should be asked to leave the room while 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.
12. The Manager or other nominated officer and the Complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

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

Adopted by Blaby Parish Council
(09/190 – 11th August 2009)

Reviewed Yearly, Last Updated ~~November 2019~~ April 2020