

# FILKINS & BROUGHTON POGGS PARISH COUNCIL

## Complaints Procedure Policy

Adopted Date	December 2021
Review Date	December 2023
Chairman Signature	<i><u>Kym Ford</u></i>

# Introduction

Filkins & Broughton Poggs Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to investigate all complaints promptly in an impartial manner and to find a solution which is satisfactory to both the complainant and the Council.

Parish Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. The Council will therefore do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council.

Filkins & Broughton Poggs Parish Council's complaints procedure does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour of an individual Councillor, you must contact:

The Standards Committee  
West Oxfordshire District Council, Witney

The Standards Committee can only deal with complaints about the behaviour of a Councillor and will not deal with complaints about matters that are not covered by the Councillors' Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.

Filkins & Broughton Poggs Parish Council adopted the West Oxfordshire District Council's Code of Conduct which can be viewed on the District or Parish Councils website, [www.westoxon.gov.uk](http://www.westoxon.gov.uk) or [www.filkins.org.uk](http://www.filkins.org.uk).

## 1 Definition of a Complaint

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 provided by the Council itself or a person or body acting on behalf of the Council.

The following are excluded from this procedure:

Type of Conduct	Refer to
Financial Irregularity	Complaints about financial irregularity should be referred to the Council's auditor, the name and address of whom may be obtained from the Clerk (Local electors' right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998)
Criminal activity	The Police
Member conduct	The Standards Committee West Oxfordshire District Council (The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)
Employee Conduct	Internal disciplinary procedure. Complaints concerning a member of staff should be made in writing to the Clerk. If the complaint concerns the Clerk the complaint should be made in writing to the Chairman of the Council.

The procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council or relevant committee as appropriate, for consideration.

The Council receives queries, problems and comments as part of its day to day running and it is not appropriate for every comment to be treated as a formal complaint. Every effort will be made to deal with these problems immediately, either by providing information, instigating the appropriate action, or explaining a decision.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.

**The complaints procedure will not normally apply to complaints made anonymously (See Section 7 below)**

## 2 Informal Complaints

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. 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.

If a complaint is made to a Councillor it is their duty to notify the Clerk or the Chairman of the Council.

The Clerk or Chairman of the Council will speak directly to the complainant and will attempt to resolve the complaint and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly.

If the Clerk or the Chairman cannot satisfy a complaint in an informal way, then the Formal Complaints Procedure will be instigated.

## 3 Formal Complaints

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk they should be advised to address it to the Chairman of the Council.

The complaint should contain the following information

- Name, address and telephone number of the complainant (but see Section 7 below on Anonymous Complaints)
- Details of the complaint about the Council's procedures or administration
- How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes will resolve the complaint

The Clerk will acknowledge receipt of the complaint within three working days and will advise the complainant when the matter will be considered by the Council.

The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

Any documents not already supplied must be sent to the Clerk seven clear days before the meeting. The Council shall provide the complainant with copies of any documentation to which they wish to refer at the meeting within the same timescale.

## 4 At the Meeting

The complaint will be heard by up to three Councillors, at a time and place which is separate the meeting from any public meeting of the Council. Two Councillors will be nominated by the Chair not to participate in the hearing, so that they may be able to handle any subsequent appeal.

The press and public, except for the complainant and their representative, will be excluded from the meeting.

The Clerk will normally represent the Council through the proceedings, but a nominated Councillor may act instead.

The Chairman of the meeting will introduce everyone and explain the procedure.

The complainant (or their representative) should outline the grounds for complaint and afterwards questions may be asked by the Clerk and Members.

The Clerk or a nominated Councillor will present the Council's position relating to the complaint (if necessary) and afterwards questions may be asked by other Members, or by the complainant or their representative.

The Clerk/nominated Councillor and the complainant will be offered the opportunity to summarise their position.

The Clerk/nominated Councillor and the complainant will 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.

The Clerk/nominated Councillor and the complainant will 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 will be communicated to them.

## 5 After the Meeting

The decision will be confirmed in writing within seven working days, together with details of any action to be taken. The result of the proceedings will be reported at the next Parish Council meeting after the appeal period has passed.

There may be circumstances when a complainant persists in wishing to proceed when there is clearly 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.

These matters should be referred to the Clerk/Chairman and in the event of a seemingly serial facetious, vexatious or malicious complaint, the Council may consider taking legal action.

## 6 Appeals

Should the complainant not agree with the decision they will be entitled to appeal against the decision within 14 days of receipt of the result. The two nominated Councillors will handle the appeal within 21 days of receiving the notice and will examine the way in which the complaint was dealt with.

If procedures were correctly handled by the Parish Council the appellant will be notified of the result within 14 days.

## 7 Anonymous Complaints

Complaints made anonymously will not normally be dealt with under this procedure. However, if a complainant believes that revealing their identity might put them at risk, they may ask to have their identity withheld. It will be at the Clerk's discretion (or the Chairman's if the complaint involves the Clerk) to decide whether to proceed with investigation. Following any investigation of an anonymous complaint, a meeting of up to three Councillors will receive a report of the investigation and reach a decision regarding any action which should be taken.