

# **VIGO PARISH COUNCIL'S COMPLAINTS PROCEDURE**

## **1. Definition**

1.1 For the purposes of this procedure, a complaint will be considered to be an expression of dissatisfaction by:

- a) one or more members of the public                      or b) one or more Councillors

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.

## **2. What this Procedure does not cover**

2.1 The Council receives queries, problems and comments as part of its day to day business. Generally these can be resolved by the Council's employees, possibly after consultation with members of the Council.

2.2 In certain circumstances other procedures may be appropriate in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Statutory right to object to Council's audit of accounts pursuant to S 16 Audit Commission Act 1998. On other matters the Council may need to consult its auditor/Audit Commission
Criminal activity	The Kent Police
Member conduct	If the complaint relates to a failure to comply with the Members Code of Conduct (Pursuant to section 27 of the Localism Act 2011) adopted by the Council, the complaint must be submitted to the Gravesham Borough Council's Monitoring Officer

## **3. Informal Complaints Procedure**

3.1 It is hoped that in most cases informal measures or explanations provided to the complainant by the Clerk to the Council (or other nominated officer), the Chairman of Council or another Councillor will resolve issues raised by a member of the public or Councillor within ten working days of a complaint being received.

3.2 Records of complaints resolved under the informal procedure will be kept in the Parish Office for possible inspection by Councillors. Only the name of the complainant, the date and the general area of complaint will be recorded. Copies of any correspondence will be retained for a minimum of 12 months.

#### **4. Formal Complaints Procedure**

- 4.1 If a member of the public or councillor is not satisfied with the outcome of a complaint dealt with informally under Section 3 of this procedure then the complainant should notify either the Clerk to the Council or the Chairman of Council via the Parish Office. The complainant should be invited to put the complaint about the Council's procedures or administration in writing if he/she has not already done so. Subject to the conditions specified in Section 5, the complaint will then be dealt with under the Formal Complaints Procedure described in this section and the Council will appoint a Complaints Committee of **THREE** councillors. No councillor with direct involvement in the case shall be appointed to the Complaints Committee.
- 4.2 The Clerk to the Council or other nominated officer shall acknowledge receipt of the complaint and advise the complainant that the matter will be considered by a Complaints Committee. The complainant will be advised that the complaint will be treated as confidential and will be dealt with at a specially convened meeting, which will be held without public or press present and will be minuted.
- 4.3 The Complaints Committee will meet to elect its Chairman. In consultation with the complainant, the Committee will decide on an appropriate method of working, which will depend on the nature of the complaint. If the complainant wishes to present his/her case in person, the 'standard procedure' set out in Appendix 1 shall be adopted. Depending on the nature of the complaint, other actions may be deemed appropriate, such as collecting background information, making a site visit, seeking expert opinion, or at the discretion of the chairman, co-opting independent person/s to sit on the complaints committee.
- 4.4 Once made, the Complaints Committee's decision should be notified to the complainant in writing within seven working days together with any action to be taken. A report will be made to the next meeting of the Full Council by the Complaints Committee's Chairman saying that a Complaints Committee has met to consider a complaint and stating the action to be taken. The minutes of the Complaints Committee will be confirmed by the members of the Committee. A single copy will be retained in the Parish Office but will be treated as confidential to members of the Complaints Committee.

#### **5. Unreasonable and Vexatious Complaints**

- 5.1 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 (or a Committee) 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 will be referred to the Chairman of the Council and a nominated councillor by the Clerk to the Council with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complaint and inform the

complainant so, making it clear that only new and substantive issues will merit a response.

## **6. Anonymous Complaints**

6.1 Anonymous complaints will generally be disregarded.

## **7. Complaints against Members of the Public**

7.1 The Council's employees and elected members have a right to be able to carry out their duties without being abused or threatened by members of the public. The Council reserves the right to exclude members of the public from its premises and to insist on any communication from them being in writing only. Any serious incidents may be reported to the Police.

## **8. Ombudsman**

8.1 Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England.

**Date policy adopted: 22/05/2017**

**Reviewed & Agreed: 04/05/2021**

*Based upon the 'NALC model complaints procedure.*

## **Appendix 1. Standard Procedure for Complaints Committee.**

**A1.1** The complainant shall be invited to attend a meeting at a mutually convenient date and to bring with them a representative if they wish. The complainant shall be advised that the complaint will be treated as confidential and will be dealt with at a specially convened meeting, which will be held without public or press present and will be minuted.

**A1.2** Within seven clear working days prior to the meeting the complainant shall provide the Council (via the Parish office) with copies of any documentation or other evidence to be relied upon. The Clerk to the Council will provide the complainant with copies of any documentation upon which the Complaints Committee will rely at the meeting including any legal advice and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

**A1.3** At the start of the meeting the Chairman of the Complaints Committee shall introduce everyone and explain the procedure. Should the complainant fail to attend without prior warning the Committee will make its decision in his/her absence on the basis of the other information available to it.

**A1.4** The complainant (or representative) shall outline the grounds for complaint. Thereafter questions may be asked by (i) the Clerk to the Council or other nominated officer and then (ii) members of the Complaints Committee.

**A1.5** The Clerk to the Council or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) members of the Complaints committee.

**A1.6** The Clerk to the Council or other nominated officer and then the complainant will be offered the opportunity to summarise their position.

**A1.7** The Clerk to the Council or other nominated officer and the complainant will 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.

**A1.8** The Clerk to the Council or other nominated officer 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 will be advised when the decision will likely to be made and when it is likely to be communicated to them.