

COMPLAINTS PROCEDURE

1. Introduction and duties

- 1.1 It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 has issued guidance (February 2013) for local councils.

2. Guidelines

- 2.1 It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult with their auditor / audit commission.
Criminal activity	The Police
Councillor conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to Waverley Borough Council, Monitoring Officer
Employee conduct	Dealt with by internal disciplinary procedure

- 2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.

- 2.3 The code of practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk. These informal measures should include:

- Offering to hold an informal meeting with the person/s expressing concern
 - Making it clear that it is an informal discussion and not part of the formal complaints process
 - Asking what they feel would resolve the issue
 - Seeking to identify any underlying issues which may be driving the concern
 - Using the skills of active listening with empathy
 - Demonstrating that they have been heard, and understood
 - Agreeing next steps
 - Should they wish to pursue it further explain to them that they have further actions available under the Council's complaints policy.
 - If appropriate, providing reassurance that the complaints policy requires impartiality.
- Keeping a record of concerns and actions taken for future reference.

Should the informal processes fail to resolve the matter to the complainant then the use of the complaints policy would be further invoked to stage 2.

3. Stage 2: The Code of Practice

3.1 The aims of the code of practice are:

- To provide 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.
- To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
- To make the process reasonable, accessible and transparent.
- At all times, the rules of natural justice will apply and all parties shall be treated fairly.
- All complaints shall be heard by the Councillors, which shall consist of 3 Councillors, and shall report its findings to Ockley Parish Council. An extraordinary meeting of the Council shall be called to appoint three Councillors not involved with the complaint.

4. Before the Meeting

- 4.1 The complainant shall be asked to put the complaint about the Council's procedures in writing to the Clerk.
- 4.2 If the complainant does not wish to put the complaint to the Clerk (as it may relate directly to the Clerk), they may be advised to put it to the Council Chairman in writing, marked private and confidential.
- 4.3 The Clerk/Council Chairman shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Councillors.
- 4.4 The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
- 4.5 Seven (7) clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the Council with copies of any documentation or other evidence, which they intend to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

5. At the Meeting

- 5.1 The Councillors shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next Council meeting in open session.
- 5.2 The Chairman to introduce everyone.
- 5.3 The Chairman to explain the procedure.
- 5.4 Complainant (or representative) to outline grounds for complaint.
- 5.5 Councillors to ask questions of the complainant.
- 5.6 If relevant, the Clerk or other nominated officer, to explain the Council's position.
- 5.7 Councillors to ask questions of the Clerk or other nominated officer.
- 5.8 The Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Town Clerk/officer followed by complainant).
- 5.9 The Clerk or other nominated officer and complainant to be asked to leave the room while the Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.

5.10 The Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

6. After the Meeting

6.1 Decision confirmed in writing within seven (7) working days together with details of any action to be taken.

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Contacts

**Samantha Bell
77 Highlands Road
Horsham
RH13 5ND
07969552926**

Stage 2 – Complaints Procedure Meeting

Action	Working days from receipt of request for Committee meeting	Letter to be sent	Number of working days before Committee meeting
Complaint received	0		30
Clerk writes to complainant to acknowledge receipt of request for Committee meeting.	Day 0 to 3	Letter 2a	At least 27 days
Clerk writes to Chair of Council to inform them of the request for a Committee meeting.	Day 0 to 3	Letter 2b	At least 27 days
Clerk convenes Committee and organises the meeting			
Clerk writes to complainant to confirm meeting date, time and venue, and requesting all paperwork to be considered by the Committee	Day 7 to 10 (depending on date of letters 2a and 2b)	Letter 2c	At least 20 days
Clerk writes to Chair of the Council to confirm meeting date, time and venue, and requesting all paperwork to be considered by the Committee	Day 7 to 10 (depending on date of letters 2a and 2b)	Letter 2d	At least 20 days
Receipt of paperwork by the clerk	Day 8 to 15 (depending on date of letters 2a and 2b)		At least 15 days
Clerk collates paperwork			
Circulate all paperwork to all attendees	Day 9 to 25	Letter 2e	At least 5 days

Meeting	Within 30 days		0
Outcome letter	Within 37 days	Letter 2f	Within 7 days of the meeting

All timescales in this document refer to working days i.e. excluding weekends, holidays.