

Woodchester Parish Council

COMPLAINTS POLICY

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1. Definition

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.

2. Introduction

Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England. The Council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints.

3. Informal Complaints

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the clerk, or Chair will resolve most issues raised by a member of the public.

Any informal complaint will be brought to the Council by the Chair or Clerk to be noted.

4. Formal Complaints

4.1 In certain circumstances procedures/bodies other than Woodchester Parish Council 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 Police
Member Conduct	If the complaint relates to a failure to comply with the council's code of conduct, the complaint must be submitted to Stroud District Council.
Employee	Conduct internal disciplinary procedure

4.2 A complaint against the council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.

4.3 Occasionally it might be necessary to notify the council's insurers of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss. It is important the council takes instruction from its insurers as to how to respond to the complaint. The failure by a

council to notify its insurers as soon as a legal claim is threatened or made, may invalidate the insurance policy.

4.4 If a member of the public is not satisfied with the outcome of a complaint dealt with under Section 3 of this procedure then the complainant should put the 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 he or she should address it to the Chair.

4.5 The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant that the matter will be considered by the Council.

4.6 The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which professional advice is required.

4.7 To ensure compliance with Data Protection regulations, the council cannot disclose the identity, contact details or other personal data about an individual complainant unless he consents or disclosure is otherwise fair and lawful. Therefore any meeting to consider the complaint will need to exclude the public.

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

4.9 Seven clear working days prior to the meeting the complainant shall provide the Council with copies of any documentation or other evidence to be relied upon. The Council will provide the complainant with copies of any documentation upon which it will rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

4.10 The Chair shall introduce everyone and explain the procedure.

4.11 The complainant (or representative) shall outline the grounds for complaint. Thereafter questions may be asked by (i) the Clerk and then (ii) members.

4.12 The Clerk will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) members.

4.13 The complainant should be offered the opportunity to summarise their position.

4.14 The complainant should be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

4.15 The complainant should be advised when the decision will likely to be made and when it is likely to be communicated to them.

4.16 The decision should be confirmed in writing within seven working days together with any action to be taken.

5. Unreasonable and Vexatious Complaints

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 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 Council by the clerk 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 complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

6. Anonymous Complaints

Anonymous complaints will be disregarded.

Based upon the 'NALC model complaints procedure: Legal Topic Note: LTN: June 2014

Revised by Woodchester Parish Council on 7th March, 2013, item 2013/39

Revised by Woodchester Parish Council on 5th November 2020, item 2020/109

Chairman.....

Clerk.....

