

# Lyminge Parish Council

## Complaints Policy and Procedure

### Introduction

- 1 Unlike other tiers of local government, the Local Government Ombudsman has no jurisdiction over parish and town councils. Consequently, there are no statutory mechanisms in place should complaints be made against the Parish Council.
- 2 It will not be appropriate to deal with **all** complaints from members of the public under this complaints procedure. For example:

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 their auditor / Audit Commission
Criminal activity	The Police
Member conduct	In England a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer of Folkestone & Hythe District Council
Employee conduct	Internal disciplinary procedure

- 3 Lyminge Parish Council defines a complaint as being "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".
- 4 The Parish Council has the legal power to make reparation in the case of proven mal-administration.
- 5 The procedure set out below 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 above. The procedure below is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.
- 6 The Clerk will explain the Parish Council's case. As the Clerk puts forward justification for the action or procedure complained of s/he should not advise the appropriate Committee as it needs to determine the matter itself.
- 7 In all cases all parties should be treated fairly and the process should be reasonable, accessible and transparent.

### THE COMPLAINTS PROCEDURE ITSELF

#### Initial Stages

1. In all cases the Clerk will try to resolve the complaint informally with the complainant. The Clerk will retain a record.
2. If the complainant remains unsatisfied s/he should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
3. If the complainant does not wish to put the complaint to the Clerk, s/he should be advised to address it to the Chairman.

4. The Clerk or Chairman shall acknowledge receipt of the complaint within 7 working days and advise the complainant when the matter will be considered by the Finance Committee or a Committee of 3 Councillors established for the purposes of hearing complaints. The complainant should also be advised whether the complaint is likely to be treated as confidential or not.
5. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
6. At least 7 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. At least 7 clear working days prior to the meeting the Council shall provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

### **At the Meeting**

7. The Committee shall consider whether the complaint warrants the exclusion of the public and the press.
8. The Chairman shall introduce everyone and explain the procedure.
9. The complainant (or representative) shall outline the grounds for complaint and, thereafter, questions may be asked both by the Clerk and by Councillors.
10. The Clerk shall have an opportunity to explain the Council's position and questions may be asked both by the complainant and by Councillors.
11. The Clerk and then the complainant shall be offered the opportunity to summarise their position.
12. Both the Clerk and the complainant shall be asked to leave the room while Councillors 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.
13. Both the Clerk and the complainant shall be given the opportunity to wait for the decision but, if the decision is unlikely to be finalised on that day, they shall be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **After the Meeting**

14. The decision of the appropriate Committee will be confirmed in writing within seven working days together with details of any action to be taken by the Parish Council.
15. All decisions on complaints will be minuted and available to the public through Council minutes.

### **Appeal Procedure**

16. If the complainant remains unsatisfied s/he has the right of appeal to a meeting of the General Purposes Committee whose decision shall be final. The process duplicates that described in paragraphs 7 to 15 above.

*Agreed by Full Council on 26 April 2010  
Changes agreed by full Council in September 2016  
Agreed by Full Council in June 2017  
Agreed by Full Council in May 2018*

(To be reviewed by the Finance & Administration Committee in May 2019).