

SOUTH KYME PARISH COUNCIL

COMPLAINTS PROCEDURE

Introduction

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.

From time-to-time members of the public have complaints about the administration or procedures of the Parish council; local 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. Therefore, it is recommended for transparency in local government, and for the benefit of good local administration, that Parish Councils should adopt a standard formal procedure for considering complaints.

The Council will do its utmost to settle complaints and satisfy complainants that any grievance has been properly and fully considered in the interest of the good reputation of the Council. The Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

In the event of a seemingly serial facetious, vexatious or malicious complaint, the Council may consider taking legal advice.

Confidentiality

Initially the identity of a complainant will only be made known to those who need to consider a complaint. Care will be taken to maintain confidentiality where circumstances demand, e.g. where matters concern financial or sensitive information.

Complaints outside the Code

The complaints in the table below are excluded from this code.

Type of Conduct	Complain to
Financial Irregularity	Complaints about financial irregularity should be referred to the Council's auditor, whose name and address can be obtained from the Clerk. (Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998).
Criminal activity	The Police
Member conduct	A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to Democratic Services of North Kesteven District Council.

Employee conduct	Clerk to the Council to be dealt with under internal disciplinary procedure. (If the complaint is about the Clerk, the complaint should be referred to the Chair).
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All complaints will be deemed to be Informal Complaints unless a written complaint states that it is a Formal Complaint.

INFORMAL COMPLAINTS PROCEDURE

- An informal complaint may be given orally or in writing to the Clerk.
- If a complaint is given to a Councillor, it is their duty to notify the Clerk or Chair of the Council.
- The Clerk or Chair of the Council will speak directly to the complainant and will attempt to settle 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 complaint cannot be resolved, the Clerk will be informed and will instigate the Formal Complaints Procedure.

FORMAL COMPLAINTS PROCEDURE

- All formal complaints will be heard in public unless the Council resolves to exclude the press and public, using Standing Order number 10, due to the confidential nature of the complaint.
- To resolve the formal complaint, the Council will hold a formal hearing to review the complaint.
- The complainant will be invited to attend the formal hearing if they so wish.

Before the Meeting

A Formal Complaint must be lodged in writing and sent to the Clerk. The letter must state that a Formal Complaint is being lodged and should provide the following information:

- Name, address, and telephone number of the complainant.
- The complaint about the Council's procedures or administration.
- How the issue has affected the complainant.
- Copies of any relevant documents or other evidence to which the complainant may wish to refer at the meeting.
- Details of third parties and their involvement.
- What action the complainant believes will resolve the complaint.

The following procedure should be followed:

- If the complainant does not wish to put the complaint to the Clerk, they should be advised to address the complaint to the Chair of the Council.
- The Clerk/Chair will acknowledge the complaint and inform the complainant that a mutually convenient date for a Complaints Hearing will be scheduled within 28 days. This may form part of a scheduled council meeting.

- The Clerk will issue an agenda for the Complaints Hearing not less than 3 days before the formal hearing.
- The Clerk will invite the complainant to bring with him/her one such representative who may speak on their behalf.
- The Clerk will invite any third parties who may be detailed in the complaint and invite them to bring any such representative who may speak on their behalf.
- **Any documentation or evidence not already supplied must be sent to the Clerk seven clear days before the meeting.**
- If either party provides details, documentation or evidence less than seven days before the meeting, the Chair of the Council will decide whether to admit it.

At the Meeting

- The Council will decide whether the circumstances of the complaint warrant the exclusion of the public and the press.
- The Chair of the Council will introduce everyone and explain the procedure.
- The complainant and their representative (if any) will detail the complaint to the Council.
- Members of the Council, if they wish, will ask questions of the complainant relating to the complaint.
- The Clerk or a Councillor will present the Council's position relating to the complaint (if necessary).
- Third parties detailed in the complaint, and their representative (if any), should present their position relating to the complaint (if necessary).
- Members of the Council, if they wish, will ask questions of the Clerk/Councillor.
- The Clerk/Councillor, third parties and the Complainant will be offered the opportunity to make any final comments (in that order).
- The Council will then consider the complaint in private for a maximum of 30 minutes.
- The Council can re-open the meeting if clarification of points is needed from any party, but all parties must be invited back to the meeting.
- The Chair may adjourn the meeting if wished in order that specialist advice may be sought.
- The Chair will ask all parties to re-join the meeting to inform them of the Council's decision.
- If a decision cannot be reached at the meeting, the Chair will advise when the decision will be made and communicated to the complainant.

After the Meeting

- Any decision will be confirmed to the complainant within seven working days, together with details of any further action to be taken.
- A summary of decisions and further actions will be documented and shared with all relevant parties.
- The Council's decision on the matter will be final, and no further appeal process will be offered.