

## **Complaints Procedure**

Procedure for use in complaints against the Parish Council

### **Before processing a complaint**

1. All formal complaints against a local council must be communicated in writing,
2. The complainant must be asked at the onset to confirm if he wants the complaint to be treated confidentially.

It is unlikely that the complainant will waive confidentiality. Even if he does so, the council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

3. The Council's written complaints procedure should be accessible to the complainant. In any event, it should be well publicised and accessible via the council's publications scheme. A council's complaints procedure should confirm the following information: –
  - the requirement to submit a complaint in writing
  - the postal address or email that the complaint must be sent to. In most cases, it will be appropriate for the complaint to be addressed to the Clerk. If the complaint concerns the clerk, it should be sent to the chairman.
  - that receipt of the complaint will be acknowledged in writing within 5 days
  - who will be dealing with the complaint
  - the timeframe for investigating the complaint
  - whether there is an opportunity for the complainant to make verbal representations (and bring a friend when doing so) and when this will occur
  - the time frame for determination of the complaint
  - whether there is an opportunity to appeal the outcome of the complaint and an explanation of the appeal process.

### **Receipt of the complaint**

4. The Clerk or if the complaint concerns him, the Chairman shall:-
  - acknowledge receipt of the complaint in writing within the timeframe specified in the councils complaint procedure
  - confirm to the complainant if the complaint will be treated as confidential (which is the most likely to be the case) and
  - confirm the next steps in the complaints procedure.

### **Investigating the complaint**

5. The council need to investigate the facts of the complaint and collate relevant evidence.
6. If the council's complaints procedure permits the complainant to make verbal representations, the complainant should be invited to a meeting with the Clerk or nominated officer. Before the meeting and within the period specified in the councils complaint procedure (i) the complainant shall provide the Clerk or nominated officer, with any new information or other evidence relevant to the complaint and (ii) the Clerk or nominated officer, shall provide the complainant with new information or evidence to relevant to the complaint.

### **Meeting with the complainant (if applicable)**

7. If a council complaints procedure permits the complainant to make verbal representations at a meeting with the Clerk or other nominated officer, the Clerk or other nominated officer should explain how the meeting will proceed.
8. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or other nominated officer.
9. The Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by the complainant.
10. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their respective positions.

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

**After the complaint has been decided**

Within the timeframe specified in the council's complaint's procedure, the council should write to the complainant to confirm whether or not it has upheld the complaint. The council should give reasons for its decision together with details of any action to be taken by the council if this appropriate. If the council's complaints procedure includes an appeal stage, the council should notify the complainant in writing of the right to appeal its decision.

**Note**

Further guidance regarding Handling Complaints can be found in National Association of Local Councils Legal Topic Note LTN9E