



## Complaints Procedure

### 1. Complaints to Desford Parish Council from the public:

It will not be possible to deal with all complaints from members of the public under the Parish Council's Complaints Procedure. Where such complaints are outside the remit of the procedure, the following procedures/bodies should be engaged with regard to the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object to a Council's audit of accounts pursuant to the Local Audit & Accountability Act 2014. On other matters, councils may need to consult their auditor / Audit Commission.
Criminal activity	The Police
Employee conduct	Internal disciplinary procedure
Member conduct	If the complaint relates to failure to comply with the Code of Conduct, this must be submitted in writing to the Chair of the Council and, if it cannot be resolved internally within 14 working days, it will be submitted to the Monitoring Officer at Hinckley & Bosworth Borough Council

### 2. General complaints:

Desford Parish Council will use The Local Government Ombudsman (LGO) definition of a complaint, which is:

'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.'

### 3. The Council's Complaints Procedure aims to be:

- well publicised and easy to use
- helpful and receptive
- not adversarial
- fair and objective
- based on clear procedures and defined responsibilities
- quick, thorough, rigorous and consistent

- decisive and capable of putting things right where necessary.
- sensitive to the special needs and circumstances of the complainant
- adequately resourced.
- fully supported by councillors and officers
- regularly analysed to spot patterns of complaint and lessons for service improvement

#### **4. Confidentiality:**

The LGO advises that the identity of a complainant should only be made known to those who need to consider a complaint. It may not be feasible to deal with complaints outside some sort of committee structure but, nevertheless, the Council should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

#### **5. Timescale and Remedies:**

The Clerk shall acknowledge receipt of the complaint within 14 days and advise the complainant when the matter will be considered by the Council, or by the committee established for the purposes of hearing complaints. The complainant should also be advised that the complaint will be treated as confidential. The complainant should be informed of the timescale for the procedure, based on the staffing situation at the time.

The Council must be given adequate opportunity to investigate and reply to the complaint. The object of the procedure is to rectify things if they go wrong and take action to ensure that such a mistake does not reoccur.

#### **6. Procedure:**

The following procedure 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 at paragraph 1 above.

This procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.

6.1 If the Clerk is given delegated power, they may represent the position of the Council. If the Clerk puts forward justification for the action or procedure complained of, they should not advise the Council, or committee, as the Council will determine the matter themselves.

6.2 At all times, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

### **6.3 Before the Meeting to discuss the complaint:**

6.3.1. The complainant should put the complaint about the Council's procedures or administration in writing, within six weeks, to the Clerk.

6.3.2. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chairman of the Council.

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

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

### **6.4 At the Meeting:**

6.4.1. The public and the press shall be excluded. Any decision on a complaint shall be announced at the Council meeting in public.

6.4.2. The Chairman should introduce everyone and explain the procedure.

6.4.3. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and then (ii) members.

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

6.4.5. The Clerk and then the complainant should be offered the opportunity to summarise their position.

6.4.6. The Clerk and the complainant should be asked to leave the room while members 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.

6.4.7. The Clerk and the complainant should be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **6.5 After the Meeting:**

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

This Complaints Procedure follows Local Government Ombudsman guidelines. The Local Government Act 2000 does not give the LGO any jurisdiction over Parish and Town Councils and there are no statutory mechanisms in place should complaints be made against Local Councils in England.

Reference: NALC Legal Topic Note LTN9E Handling Complaints (Oct 2022)

*Adopted by Desford Parish Council on Wednesday 20<sup>th</sup> November 2024.*