

# Weedon Parish Council Complaints Procedure

The following is the Parish Council's ("**Council's**") procedure for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council for consideration. For complaints about the conduct of the Clerk to the Council ("**Clerk**") – see section 5 below, or the conduct of a Parish Councillor ("**Councillor**") – see section 6 below.

## **1. Definition of a complaint**

Generally, this will be about the Council's procedures or administration. It will be 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 or a person or organisation acting on behalf of the Council.

Complaints should always be directed through the Clerk (except for complaints about the Clerk's actions, in which case, the Chairman takes the place of the Clerk in managing the process). It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

## **2. Making a complaint**

The Council cannot please everyone all the time. What it can promise is to listen and to do what it can to deal with your problem.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Council by the Clerk.

If your complaint about procedures, administration or actions is notified orally to a Councillor, or to the Clerk, a written record of the complaint will be made, noting your name and contact details and the nature of the complaint.

You will be asked to put the complaint in writing (e-mail or letter) to the Clerk. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

When your complaint has been received, the Council will write to you within fourteen days to let you know:

- who is responsible for dealing with the complaint;
- how it will be dealt with; and
- when the complaint is likely to be dealt with.

### **3. What to do**

Write to the Clerk by email ([parishclerk@weedonbucks.org.uk](mailto:parishclerk@weedonbucks.org.uk)). If you wish to write a letter rather than send an e-mail, please contact the Clerk for their address. If the complaint is about the actions of the Clerk, email the Chairman (whose details are in the Annual Report of the Council on the Council's website [www.weedonbucks.org.uk](http://www.weedonbucks.org.uk)).

### **4. What happens next?**

On receipt of your written complaint, the Clerk will seek to settle the complaint directly with you by explaining the Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.

The Clerk will report any complaint that has not been resolved to the next meeting of the Council and will notify the complainant of the date on which the complaint will be considered in accordance with the procedure in section 10 below.

### **5. Complaint about the Clerk**

If the complaint is about the Clerk, you should write to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment. Formal complaints will be dealt with by the Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Council are entitled. The complainant will be informed of the action taken.

### **6. Complaint about the ethical behaviour of a Councillor**

Members of all parish councils sign a declaration to abide by a code of conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Council's Code of Conduct (which can be accessed on the Council's website) should be made in writing and addressed to: The Monitoring Officer of Buckinghamshire Council, Walton Street Offices, Walton Street, Aylesbury HP20 1UA or emailed to [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk)

## **7. 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. The Council 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.

## **8. Anonymous Complaints**

Anonymous complaints will be disregarded.

## **9. Other Types of Complaints**

In some circumstances, measures or bodies other than the Council may be appropriate in respect of certain types of complaint, such as those against the Clerk or Councillors as referred to in sections 5 and 6 above; or for financial issues, the Council's auditors or the Audit Commission; or for Criminal activity, the Police.

## **10. How will the process operate?**

Complaints about the Council's processes, administration or policies will be dealt with in full Council or by nominated Councillors who are authorised but are not involved with the particular case.

The Clerk will acknowledge receipt of your complaint within fourteen days and will also advise when the matter will be dealt with. The Council may defer dealing to the extent it requires external advice.

You will be invited to attend a meeting and to bring any representative if you wish and will be offered the opportunity to explain orally the complaint to the Council.

Seven clear working days prior to the meeting, you are requested to provide the Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Council will provide you with copies of any documentation which it wishes to rely on at the meeting.

## **11. Procedure at the Meeting**

The Council/nominated Councillors will consider whether the circumstances of the meeting warrant the exclusion of the public and any press.

The Chairman will introduce everyone and will explain the procedure.

You, as the complainant, or your representative, will outline the grounds for complaint.

Councillors will ask questions of you or your representative.

If relevant, the Clerk will explain the Council's position.

Councillors will be able to ask questions of the Clerk.

The Chairman will summarise the Council's position and then you will be offered the opportunity of summing up.

You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Councillors reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Councillors reach a decision.

If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

You will then re-join the meeting to be advised of the decision of the Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in a decision letter.

## **12. After the meeting**

The decision will be confirmed in writing within seven working days, together with details of any action to be taken. The outcome of the complaint will be notified at a public meeting of the Council.

## **13. What to do if you are still not satisfied**

The decision of the Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of parish councils.

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