

Birtley Parish Council

Complaints Policy and Procedure

If you have a complaint, suggestion or compliment please write to the Clerk of the Council at;

2 New Houses
Chollerford
Hexham
Northumberland
NE46 4ER

Or E-mail clerk@live.co.uk

Or phone 01434 689423

What is a complaint?

“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.” This definition is offered by the Local Government Ombudsman.

NB The Local Government Ombudsman has no jurisdiction in respect of parish councils.⁽¹⁾

Complaint Category

Financial Irregularity

The Clerk should endeavour to provide an explanation of the item. The Clerk may need to consult the auditor/Audit Commission. If the complaint is not satisfied, the clerk should advise the complainant of the local elector’s statutory right to object to the Council’s audit of accounts pursuant to s.16 Audit Commission Act 1998.

Criminal Activity

The Clerk should refer the complainant to the police.

Member Conduct

A complaint relating to a member’s failure to comply with the Code of Conduct must be submitted to the Local Standards Committee. (Northumberland County Council)

Employee Conduct

As an internal disciplinary matter this should be dealt with under the Council's disciplinary procedure

Other Complaint

This is covered under the Birtley Parish Council Complaints Procedure and is aimed at those situations where a complaint has been made about the administration of the parish council or about its' procedures. It is designed for those complaints that cannot satisfactorily be dealt with by less formal measures or explanations provided to the complainant by the parish clerk or chairman of the council. This Procedure does not apply to complaints about individual councillors or employees.

A complaint relating to the Council's administration or procedures will be dealt with under the following complaints procedure.

How to use the Procedure.

We will always try to resolve problems as quickly as possible and to do this we would ask you to contact the Clerk who may be able to put things right there and then or at least look into the issue and come back to you. If you have tried this approach or don't feel that it is appropriate to contact the Clerk, you can contact the Chairman or ask for your complaint to be investigated formally. To do this you should put your complaint in writing.

Receipt of your complaint will be normally acknowledged within eight days and the Clerk with the relevant directorate will carry out a thorough investigation, they will report back to you normally within fifteen days although on some occasions the investigation may take a little longer.

Confidentiality

The identity of a complainant will only be made known to those who need to consider a complaint. The council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

Outcomes and remedies

There are several possible outcomes of our investigations into your complaint. If we do not find evidence of maladministration or service failure or if we find that the complaint is outside of our jurisdiction we will write to you and explain why, we will of course consider any comments that you may wish to make.

If we do find that our actions have been at fault there are a range of actions that we may take, these include, but are not restricted to the following;

- An apology
- Take immediate action that should have been taken earlier
- Reconsider a decision that had been taken earlier
- Improve procedures
- Compensation in respect of any financial loss (s.92 LGA 200)

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BIRTLEY PARISH COUNCIL PROCEDURE FOR HANDLING COMPLAINTS

(With effect from 1st September 2010, as RESOLVED at the Council Meeting on 1st September 2010)

For the purposes of this document, 'Chairman' means Chairman of the Council. Under the Local Government Act 2000, the standards committee of the principal authority (Northumberland County Council) is empowered to promote and maintain high standards of conduct by the members of the Parish, Town or Community Council. This does not necessarily affect complaints about maladministration and procedure, and must not be confused with the procedure available for complaints against individual members. This procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or other nominated Officer or Chairman. It may be that the Clerk or other nominated Officer at the meeting represents the position of the Council. If the Clerk or other nominated Officer is putting forward the justification for the action or procedure complained of, he or she should not advise the Council or Committee. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

The Complaints Panel shall consist of the whole Council, with the exception of the Appeals Panel members. The Appeals Panel shall consist of the Chairman of the Council, and two other members of the Council

Before the meeting.

1. The complainant should be asked to address the complaint about the Council's procedures or administration, in writing, to the Clerk or other nominated Officer.
2. If the complainant does not wish to address the complaint to the Clerk or other nominated Officer, they may be advised to address it to the Chairman of the Council.
3. The Clerk or other nominated Officer shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes for hearing

complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a Committee).

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

5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall also 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.

At the meeting.

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. ⁽²⁾ Any decision on a complaint shall be announced at the Council meeting in public.

7. The Chairman of the meeting to introduce everyone and explain the procedure.

8. The complainant (or representative) to outline the grounds for complaint and thereafter, questions may be asked by (i) the Clerk or other nominated Officer and then (ii), members.

9. The Clerk or other nominated Officer to have the opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.

10. The Clerk or other nominated Officer and then the complainant should be offered the opportunity to summarize their position.

11. Clerk or other nominated Officer and complainant to 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 to be invited back).

12. Clerk or other nominated officer and complainant to 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.

After the meeting.

13. Decision to be confirmed in writing within seven working days, together with details of any action to be taken.

14. If the complainant is dissatisfied with the Complaints Panel's decision, they have the right to make an appeal to the Appeals Panel of the Council, within one calendar month of the decision being notified.

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NB

(1) The Local Government Act 1974 (s.34(1)) defines the authorities that the Local Government Ombudsmen may investigate. Parish and town councils are not included in this definition. The Ombudsman may be able to consider a complaint about a parish or town council if it is acting on behalf of another council. So, for example, if a county council has arranged that the parish council should maintain the grass verges, then the Ombudsman may be able to look at a complaint about this.

(2) Under Public Bodies (Admission to meetings) Act 1960 the Council will decide whether the complaint warrants the exclusion of the public and press. The decision of the Council however, will be made public at the conclusion of the meeting.