

## West Dereham Parish Council

# HANDLING COMPLAINTS

## General Background

### Introduction

- 1 Pursuant to the Local Government Act 1974, the Local Government and Social Care Ombudsman (LGSCO) has no jurisdiction over parish and town councils in England. Since there are no statutory mechanisms in place, this policy document details how West Dereham Parish Council will deal with complaints it receives and includes a complaints procedure.
- 2 It is not appropriate to deal with all complaints from members of the public under the complaints procedure. In respect of the following types of complaint appropriate action is as follows: -

Type of conduct	Refer to
Financial irregularity	Local electors' statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, West Dereham Parish Council may need to consult its auditor/Audit Commission.
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 the standards committee of the Borough Council of King's Lynn & West Norfolk.
Employee conduct	West Dereham Parish Council policy document.

### Definition

- 3 The Local Government and Social Care Ombudsman's definition of a complaint 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.'

4 A good complaints system is:

- 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; and
- regularly analysed to spot patterns of complaint and lessons for service improvement.

### **Confidentiality**

5 The LGSCO advises that the identity of a complainant should only be made known to those who need to consider a complaint and councils should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

### **Time Targets**

6 It is good practice to set deadlines for complaint handling. Clearly, some flexibility is required to deal with lengthier and more complex complaints and this could be reflected clearly in a complaints procedure.

### **The Draft Procedure**

7 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.

## **COMPLAINTS PROCEDURE**

### **Before the Meeting**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or a parish councillor selected by the complainant.
2. The clerk or nominated councillor shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council. All complaints will be treated as confidential.
3. The complainant shall be invited to attend a meeting and shall be advised to bring with them one or two representatives if they wish.
4. Fourteen 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 seven clear working days before the meeting.
5. These meetings are not legal proceedings and neither side shall be permitted to have legal representatives present, in any capacity. An independent member of NALC should be invited to form part of the group at the meeting.

### **At the Meeting**

6. The Chairman should introduce everyone and explain the procedure.
7. All present shall be required to conduct the proceedings in a polite and calm manner at all times. If the Chairman feels that this condition is not being adhered to by all parties, after one warning he/she may require the meeting to be re-scheduled.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated councillor and then (ii), members.
9. The clerk or other nominated councillor will have an opportunity to explain the council's position and questions may be asked by the complainant and/or their representative(s).
10. The clerk or other nominated councillor and then the complainant should be offered the opportunity to summarise their position.

11. The clerk or other nominated officer and the complainant and their representative(s) should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. The remaining councillors shall pay heed to the opinions and advice of the NALC representative. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant and their representative(s) 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.

### **After the Meeting**

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

After the complainant has been informed any decision on a complaint shall be announced at the next Parish Council meeting.