

RUFFORTH WITH KNAPTON PARISH COUNCIL

HANDLING COMPLAINTS

**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/she wants the complaint to be treated confidentially.
It is unlikely that the complainant will waive confidentiality. Even if he/she 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 council's 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 council's 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 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.
11. 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

12. 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.

The Appeal

13. If a complainant decides that his/her complaint has not been satisfactorily resolved by the council, he/she may submit a written appeal to the council. An appeal must be received by the Council within five working days of the complainant receiving the council's decision and must specify the grounds of appeal.

14. Appeals may be raised on a number of grounds, e.g.:
 - a. a failure by the Council to follow its complaints policy
 - b. the decision was not supported by the evidence
 - c. the action proposed by the council was inadequate/inappropriate
 - d. new evidence has come to light since the complaints meeting.
15. The appeal will be heard by a panel of three members of the Council who have not previously been involved in the case. There may be insufficient members of the Council who have not previously been involved. If so, the appeal panel will be a committee of three Council members that may include members of the council who made the original decision. The appeal panel will appoint a Chairman from one of its members.
16. The complainant will be notified, in writing, usually within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 25 working days of the Council's receipt of the appeal. The complainant will be advised that he/she may be accompanied by a friend.
17. At the appeal meeting, the Chairman will:
 - a. introduce the panel members to the complainant
 - b. explain the purpose of the meeting, which is to hear the complainant's reasons for appealing against the decision of the council
 - c. explain the action that the appeal panel may take.
18. The complainant (or companion) will be asked to explain the grounds of appeal.
19. The Chairman will inform the complainant that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
20. The appeal panel may decide to uphold the decision of the council or substitute its own decision.
21. The decision of the appeal panel is final.

Note

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

Adopted 6 July 2020 (Minute 20.045 refers)