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# Newton Parish Council

## Complaints Policy

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A complaint is an expression of dissatisfaction by one or more members of the public about the Council's administration or application of its procedures/policies. The expression of dissatisfaction may be about facilities or services provided by the Council itself or a person or body acting on behalf of the Council.

### Policy

1. Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England. This policy sets out how Newton Parish Council will consider and respond to complaints.
2. The Council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints.

### Informal or verbal complaints

3. It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk, or Chairman of the parish council will resolve most issues raised by a member of the public.
4. Where any informal complaint cannot be resolved, the complainant should be asked to put the complaint in writing to the Parish Clerk. If the complainant prefers not to put the complaint to the Parish Clerk, he or she should be advised to put it to the Chairman of the parish council.

### Written Complaints

5. On receipt of a written complaint the Parish Clerk (except where the complainant is about his or her own actions), shall provide an acknowledgment of the complaint and advised of the Parish Council's complaints policy.
6. The Chairman of the parish council or the Parish Clerk (except where the complainant is about his or her own actions) shall try to settle the complaint directly with the complainant. This shall not be done without first notifying the person complained against and giving him or her an opportunity to comment. Efforts should be made to attempt to settle the complaint at this stage.
7. Where the Parish Clerk receives a written complaint about their own actions, he or she shall refer the complaint to the Chairman of the parish council. The Clerk will be notified and given an opportunity to comment prior to a decision being reached regarding the complaint.
8. The Parish Clerk or Chairman of the parish council shall report to the next meeting of the Council any written complaint resolved by direct action with the complainant.
9. The Clerk or Chairman of the parish council shall bring any written complaint that has not been resolved within 21 days to the next meeting of the Council. The Parish Clerk shall notify the complainant of the date on which the complaint will be considered. The matter will be considered in accordance with the Council's standing orders and the complainant shall be offered an opportunity to explain the complaint orally. (Unless such a matter is related to Grievance, Disciplinary or Code of conduct proceedings that are taking, or are likely to take place. When this situation applies, a hearing may prejudice those proceedings and the complaint may have to be deferred or heard under Exempt Business with members of the public or the press excluded.)

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10. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
11. The council shall consider the circumstances of the complaint and whether the proper administration of the council and/or application of its procedures/policies has been upheld.
12. As soon as possible after the decision has been made, the decision and nature of any action to be taken shall be communicated in writing to the complainant.
13. Any decision arising from a complaint will be executed in accordance with the Council's standing orders and policies. Where this relates to an employee this may be progressed through the Council's disciplinary policy.

### **Unreasonable and Vexatious Complaints**

14. 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 Parish Clerk with a summary of the issues and of the attempts made to resolve the complaint.
15. 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.

### **Code of conduct**

16. Any complaint or part of complaint regarding a councillor will ordinarily be considered under the code of conduct arrangements of the standing orders.

### **Anonymous Complaints**

17. Anonymous complaints will be disregarded.

November 2016