

CODE OF PRACTICE FOR HANDLING COMPLAINTS

This procedure will be applied when a complaint cannot be satisfied by less formal means e.g. an explanation provided to the complainant by the Clerk or Chairman/ Vice Chairman.

A complaint is defined as an expression of dissatisfaction by one or more members of the public about the administration of the council or its procedures. This could relate to the action/ lack of action taken by the council or a failure to follow agreed procedures or standard of service (whether that action was taken or the service is provided by the council itself or on behalf of the council). It should be noted that the Local Government Ombudsmen has no jurisdiction over parish councils.

Complaints against the council that relates to the conduct of its employees will be handled in accordance with this procedure and where disciplinary action is deemed necessary then in accordance with the council's disciplinary procedure.

It is not appropriate for all complaints from the public to be dealt with under this procedure.

Type of Complaint	Refer to
Financial irregularity	Local elector's statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. For other matters refer to the Internal Auditor or Audit Commission.
Criminal Activity	The Police
Member Conduct	A complaint that relates to a parish councillor's failure to comply with the Code of Conduct must be submitted to the standards team of the relevant Principal Authority, in this case the Monitoring Officer at City of Doncaster Council.
Employees Conduct	Internal Disciplinary Procedures if deemed necessary.

It should be noted that where the Clerk is putting forward the jurisdiction for action or procedure complained of he/she should not advise the council or committee when the complaint is being considered.

The identity of the complainant will only be made known to those who need to consider the complaint. At all times the rules of natural justice will apply and all parties will be treated fairly and the processes will be reasonable, accessible and transparent.

Any complaint to be dealt with in accordance with this procedure will be considered where possible within one month of receipt unless it is received after one week prior to the 2nd week in July in which case it will be considered within two months of receipt. Where the complaint is of a more complex nature every effort will be made to consider the matter within three months of receipt. The procedures that will be adopted for dealing with the complaint are contained in the Annexe attached and will be in accordance with the guidance provided by NALC in its Legal Topic Note LTN9E.

The Clerk can be contacted via clerk@auckleyparishcouncil.gov.uk

Adopted by the Council on 12th of June 2024.

Annexe one: Outline complaints procedure for use in complaints against the council

Before processing a complaint

1. All formal complaints against a local council must be communicated in writing. A council may design a standard form for complainants to use when submitting their complaint.
2. The complainant must be asked at the outset to confirm if they want the complaint to be treated confidentially. If the complainant is required to use a complaint form that has been designed by the council, the form should include this question. It is unlikely that the complainant will waive confidentiality. Even if he does they do 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 publication scheme. A council's complaints procedure should confirm the following information.
 - a. The requirement to submit a complaint in writing (which may require the complaint to use a complaint form designed by the council).
 - b. 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 or other nominated officer. If the complaint concerns the clerk or other nominated officer, it should be sent to the Chairman of the relevant committee or sub-committee established for the purposes of determining complaints.
 - c. That receipt of the complaint will be acknowledged in writing within a specified timeframe.
 - d. Who will be dealing with the complaint (e.g. title of member of staff, a particular committee or sub-committee).
 - e. The timeframe for investigating the complaint.
 - f. Whether there is an opportunity for the complainant to make verbal representations (and bring a friend when doing so) and when this will occur.
 - g. The timeframe for determining the complaint.
 - h. 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 other nominated officer (or if the complaint concerns them, the Chairman of the council's complaints committee or sub-committee) shall:
 - a. acknowledge receipt of the complaint in writing within the timeframe specified in the council's complaint's procedure;
 - b. confirm to the complainant if the complaint will be treated as confidential (which is the most likely to be the case) and
 - c. confirm the next steps in the complaints procedure.

Investigating the complaint

5. The council will 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, or as the case may be, a meeting of the complaints committee or sub-committee. Before the meeting and within the

period specified in the council's complaint procedure (i) the complainant shall provide the clerk or nominated officer, or as the case may be, the complaints committee or sub-committee with any new information or other evidence relevant to the complaint and (ii) the clerk or nominated officer, or as the case may be, complaints committee or sub-committee shall provide the complainant with new information or evidence relevant to the complaint.

Meetings with the complainant (if applicable)

7. If a council's complaints procedure permits the complainant to make verbal representations at a meeting with the clerk or nominated officer, or as the case may be, to a meeting of the complaints committee or sub-committee, the clerk or nominated officer or, as the case may be, chairman of the meeting 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 or by members if this is a meeting of the complaints committee or subcommittee.

9. The clerk or other nominated officer (or if the complaint concerns them, another member of staff or a member) 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, or as the case may be, the complaints committee or sub-committee 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.