

## **Introduction**

The Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England, so, this procedure is based on guidance issued by the National Association of Local Councils in November 2008.

*“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.”*

By publishing this procedure the Council aims to be helpful and receptive to complaints in a non-adversarial manner and to be fair and objective at all times. The complaints procedure will clearly define the responsibilities of the Council in a process that aims to be quick, thorough, rigorous and consistent. Complainants must be dealt with sensitively, and the process supported by councillors and the clerk.

The identity of a complainant should only be made known to those who need to consider a complaint. The Council will endeavour to maintain confidentiality where circumstances demand.

Pursuant to the s16 Audit Commission Act 1998 matters relating to financial irregularities may be referred to the Audit Commission or the Councils’ internal auditor.

A copy of this procedure document will be available on the Councils’ web-site.

The procedure will be reviewed annually.

## **CODE OF PRACTICE**

### **Before the Meeting**

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant prefers not to put the complaint to the Clerk, they shall be advised to put it to the Chairman of the Council.
3. The clerk shall acknowledge 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 of 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(a) On receipt of a written complaint, the Clerk or Chairman, as appropriate, shall (except where the complaint is about the Clerk), try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the

Clerk or a Councillor. Complaints about the Clerk will be dealt with under the Council's employment policies and procedures. Where a member of the public wishes to complain about an individual councillor, they shall be referred to the local Standards Committee (*North Lincolnshire Council Code of Conduct pursuant to the Localism Act 2011*)

- (b) Where the Chairman receives a written complaint about their own actions, they shall refer the complainant to the local Standards Committee. Where the Clerk receives a complaint about her behaviour she shall refer it to the Chairman of the Personnel Committee.
5. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
6. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.
7. Seven 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 promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

## **At the Meeting**

8. The Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the public and press but any decision on a complaint shall be announced at the council meeting in public.
9. The chairman should introduce everyone and explain the procedure.
10. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk and then (ii), members.
11. The clerk will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
12. The clerk and then the complainant should be offered the opportunity to summarise their position.
13. The clerk and the complainant should 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 shall be invited back.
14. The clerk and the complainant 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. The Council shall defer dealing with any written complaint **only** if it is of the opinion that issues of law or practice arise on which advice is necessary from the Association

(ERNLLCA). This complaint shall be dealt with at the next meeting after the advice has been received and a thorough investigation has been completed.

## **After the Meeting**

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

## **Remedies**

The purpose of the complaints procedure is to put things right if things go wrong.

Section 92 of the Local Government Act 2000 states as follows:-

- ‘92. (1) Where a relevant authority consider—
- a) that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
  - b) that a person has been, or may have been, adversely affected by that action,
- the authority may, if they think appropriate, make a payment to, or provide some other benefit for, that person.’

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