

# CHEPPING WYCOMBE PARISH COUNCIL

## COMPLAINTS PROCEDURE

### When to use the complaints procedure *(not for complaints about individuals)*

It will not be appropriate for a local council to deal with all complaints from members of the public under a complaints procedure. The Council would consider engaging other procedures/bodies in respect of the following types of complaint:

#### Type of conduct

**Financial irregularity**



#### Refer to

Local elector's statutory right to object Council's audit of accounts (s.16 Audit Commission Act 1998). On other matters, councils may need to consult their auditor/Audit Commission.

**Criminal activity**



The police

#### Member conduct

A complaint relating to a member's failure to comply with a council's code of conduct must be submitted to Wycombe District Council.

#### Employee conduct

As there is no statutory scheme for complaints about parish council employees. Any such complaints should be dealt with through the internal disciplinary process.

#### Complaints Procedures for Local Councils

The Local Government Ombudsman (LGO) has produced excellent guidance on the subject of complaints procedures. A copy of the full guidance may be obtained via the following internet link: <http://www.lgo.org.uk/publications/guidance-notes/>

### STAGE 1 COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL *(not for complaints about individuals)*

1. The complaint should be put in writing to the Clerk of the Council stating:
  - Name
  - Contact details of complainant
  - Details of the complaint and how it arose
  - What you want done to put things right
2. The Clerk will respond in writing within one month of the complaint having been received
  - Comments on the complaint will be sought from any officers or members involved
  - The Chairman of the Council will approve the response
3. If the complainant is still not satisfied then the complaint will go to the next full Council Meeting (see Stage 2)
  - If still not satisfied the complainant should raise the issue with the Local Government Ombudsman.

**STAGE 2 COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL (*not for complaints about individuals*)** (and where the Stage 1 process has not satisfied the complaint)

**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 other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council. The complainant should also be advised whether the complaint will be treated as confidential.
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. 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**

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer 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.
12. The clerk or other nominated officer 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.

## **After the Meeting**

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