



Thurlaston Parish Council

PROCEDURE FOR HANDLING COMPLAINTS

Adopted September 2019

Version	Author	Date	Review date
v1-2	Keith Boardman	Aug 2019	Sep 2020

Policy & Definitions

This document is Thurlaston Parish Council's procedure for dealing with complaints about the Council's administration or its procedures, a complaint about a Parish Councillor, or against the Parish Clerk.

Complaints about a policy decision made by the Council will be referred back to the Council for consideration.

Definition of 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 service, whether the action was taken or the service provided by the Council itself, or a body acting on behalf of the Council.

The complaints procedure will not apply to complaints made anonymously.

The reporting and handling of complaints shall be subject to the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). A complaint against a local councillor is personal to the Complainant and shall be treated as confidential unless the Complainant confirms that he/she waives their right to confidentiality.

The procedure is based on the framework suggested by the National Association of Local Councils.

Before the Meeting to Establish the Complaint

1. The Complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk or other nominated officer. The complaint should complete the Thurlaston Parish Council *Complaint Form* (shown as the Annex to this document). However this does not preclude the Complainant providing as much detail as possible and any relevant supporting documentation. Documentation should be marked *Confidential – Formal Complaint*.
2. If the Complainant does not wish to put the complaint to the Parish Clerk or other nominated officer, he or she should be advised to address it to the Chairman of the Parish Council. However the process will follow the written procedure described in the previous paragraph.
3. The Parish Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the Complainant when the matter will be considered by the Council. Where the Council considers it appropriate it will establish a *Complaints Review Panel*. Any three members of the Council shall form a quorate *Complaints Review Panel*. A legal or other technical adviser may be appointed to attend any hearing and provide the panel with advice within their expertise.
4. The Complainant should be advised whether the complaint will be treated as confidential or whether, for example, notice will be given if a *Complaints Review Panel* will be formed.
5. The Complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
6. Seven clear working days prior to the meeting, the Complainant shall provide the Council with copies of any documentation or other evidence relied on. For guidance, the following information should be submitted, where relevant:
 - Name, address and telephone number of the Complainant;
 - Details of the complaint about the Council's procedures, administration, officers;
 - How the issue has affected the Complainant;
 - Copies of any relevant documents or other evidence;
 - Details of third parties and their involvement;
 - What action the Complainant believes will resolve the complaint.

7. 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 Parish 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.
9. The Chairman should introduce everyone and explain the procedure. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
10. The Complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by the Parish Clerk or other nominated officers such as the *Complaints Review Panel*.
11. The Parish 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) Council members.
12. The Parish Clerk or other nominated officer and then the Complainant should be offered the opportunity to summarise their position.
13. The Parish 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.
14. The Parish 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

15. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
16. The decision on a complaint shall be announced at the next Council meeting in public. The decision shall not be reconsidered or debated by the Council when the decision is announced.
17. The Council may 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 *Warwickshire and West Midlands Association of Local Councils* or other appropriate professional organisation.
18. There may be circumstances when a Complainant persists in wishing to proceed when there is clearly 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.
19. These matters should be referred to the Parish Clerk/Chairman and in the event of a seemingly serial facetious, vexatious or malicious complaint, the Parish Council may consider taking legal action.

Adopted by Thurlaston Parish Council

Date:

Signature of Chairman:

Next review:

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Thurlaston Parish Council

COMPLAINT FORM

<p>Complaint form submitted by: Your full name, address, telephone, and email contact details.</p>	
<p>Confidentiality: Please state whether the Complainant wishes the complaint to be treated confidentially.</p>	
<p>Reason for complaint: Please describe the issue in depersonalised, objective terms. Provide sufficient detail for the Council to be able to understand the issue. Further details and supporting documentation may be provided on separate pages.</p>	
<p>Signed: Date:</p>	<p>Official use:</p>