

Bugthorpe and Kirby Underdale Parish Council

Complaints Procedure

This Complaints Procedure was derived from the ERNLLCA's Advisory Note 011 'Code of Practice for Local Councils in Handling Complaints', May 2013, and the NALC's LTN 9E 'Handling Complaints (England)', June 2014. It was adopted by Bugthorpe and Kirby Underdale Parish Council on 11 March 2019. It was reviewed 7 September 2020.

Complainants should note the following:

- Complaints relating to criminal activity should be made to the police.
- Complaints relating to the Code of Conduct to which parish council members must adhere should be made to the standards committee of East Riding of Yorkshire Council. A copy of the Code of Conduct is available on the parish council website and contact details for the standards committee are available on the East Riding of Yorkshire Council website.
- Complaints relating to the audit of accounts should be made to the auditor. The document 'Local authority accounts: A summary of your rights', available on the parish council website, contains further information.
- The parish council will address complaints that fall within its jurisdiction following this Complaints Procedure. A complaint is defined as "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."
- The Council will endeavour to address any complaint in a fair, objective and timely way. It will act in compliance with its obligations, including the Data Protection Act 2018. If the Clerk or Chairman believes a complaint to be vexatious or abusive, he or she may seek advice from ERNLLCA about whether it is appropriate to follow this Complaints Procedure.
- Contact details for the Clerk are available on the parish council website.

Complaints Procedure

Before the Parish Council Meeting

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk, and the Councillor or Clerk 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 responded to within seven working days of receipt.
2. If a complainant prefers not to put the complaint to the Clerk, he or she shall be advised to put it to the Chairman of the Council.
3. Subject to paragraph 4, on receipt of a written complaint, the Clerk or Chairman shall acknowledge receipt of the complaint. He or she shall consider whether the Council's insurers should be informed of the complaint, and if legal advice should be sought. If appropriate, he or she should investigate the facts of the complaint and collate relevant evidence. If appropriate, he or she shall try to settle the complaint directly with the complainant and advise the complainant when the complaint might be heard at a meeting of the Council should this not be successful. The complainant should also be asked whether he or she wishes to waive his or her right to confidentiality and be advised that he or she can nominate a representative to act on his or her behalf.
- 4 (a) On receipt of a written complaint, the Clerk or Chairman shall not try to settle the complaint directly with the complainant if the complaint is about the behaviour of the Clerk or

a Councillor. Where a member of the public wishes to complain about the Clerk or an individual councillor, they shall be referred to the local Standards Committee.

(b) Where the Chairman receives a written complaint about his or her own actions, he or she shall refer the complainant to the local Standards Committee. Where the Clerk receives complaint about his or her behaviour he or she shall refer it to the Chairman.

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 upon which they wish to rely at the meeting. Seven clear working days prior to the meeting, the council shall provide the complainant with copies of any documentation or other evidence upon which they wish to rely at the meeting.

At the Parish Council Meeting (for unresolved complaints)

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 or other nominated officer and then (ii), members.

11. 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.

12. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

13. 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.

14. 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. 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 ERNLLCA. This complaint shall be dealt with at the next meeting after the advice has been received.

15. The complainant does not have a right to appeal the decision of the Council.

After the Meeting

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