

Linton Parish Council

Formal Complaints Procedure

1. Complaints to Linton Parish Council from the public

It will not be possible to deal with all complaints from members of the public under the Parish Council's complaints procedure. Where such complaints fall outside the remit of the procedure the following procedures/bodies should be engaged with regard to the following types of complaint:

TYPE OF CONDUCT	REFER TO:
Members Conduct Linton Parish Council cannot deal with Parish Councillor Code of Conduct Complaints as we cannot monitor ourselves.	If the complaint relates to a failure to comply with the Code of Conduct, this must be referred to the Monitoring Officer at South Derbyshire District Council:
Employee Conduct	Internal Disciplinary Procedure will be followed
Criminal Activity	Contact the Police
Financial Irregularities	The Exercise of Public Rights, Audit and Accountability Act 2014 and the Accounts and Audit (England) Regulations 2015 (SI 234). On other matters, the Council may need to consult their Internal/External Auditor.

2. Identifying a complaint

Linton Parish Council will use, for the purpose of this procedure The Local Government Ombudsman (LGO) definition of a complaint, which is:

[‘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.’](#)

In the first instance all complaints should be made in writing or via email to the Parish Council's Clerk. On receipt of a written complaint, the Clerk (except where the complainant is about the Clerk) will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving them an opportunity to comment. All efforts should be made to resolve the complaint at this stage. The Clerk will notify the Chair of the Council of any complaints that are received. If the complaint cannot be resolved by the Clerk in the first instance, the Clerk will pass the complaint over to the Parish Council as the Corporate Body.

Contact details for the Clerk to Linton Parish Council

Name: Mrs Clare Orme

Address: 110 New Road
Newhall
Swadlincote
Derbyshire
DE11 0TH

Telephone: 0771 9599132
Email: clerk@linton-pc.org.uk

Contact details for the Chair to Linton Parish Council can be found here:

http://www.linton-pc.org.uk/Councillors_42842.aspx

3. The Council's complaints procedure aims to be:

- well publicised and easy to use
- helpful and receptive
- not adversarial
- fair and objective
- based on clear procedures and defined responsibilities
- quick, thorough, rigorous and consistent
- decisive and capable of putting things right where necessary
- sensitive to the special needs and circumstances of the complainant
- adequately resourced
- fully supported by Councillor's and officers
- regularly analysed to spot patterns of complaint and lessons for service improvement.

4. Confidentiality

The LGO advises that the identity of a complainant should only be made known to those who need to consider a complaint. It may not be feasible to deal with complaints outside of a Parish Council meeting but, nevertheless, the Council should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned). If a complaint is taken to a full Parish Council meeting for a resolution to be found, this will be completed in the exempt part of the meeting and Members of the public and press will be excluded to protect the personal data of any party involved.

5. Timescale and Remedies

Linton Parish Council will endeavour to handle any complaint as soon as practicable, with time allowed for dealing with lengthy and complex complaints. The Council must be given adequate opportunity to investigate and reply to the complaint. The object of the procedure is to rectify things if they go wrong and take action to ensure that such a mistake does not reoccur.

6. Procedure

The following procedure is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the ways suggested at paragraph 1 above.

This procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman.

6.1 The Clerk may represent the position of the Parish Council. If the Clerk puts forward justification for the action or procedure complained of, he or she should not advise the Council, as the Council will determine the matter themselves.

6.2 At all times, all parties should be treated fairly, and the process should be reasonable, accessible and transparent.

6.3 Before the Meeting to discuss the complaint

6.3.1. The complainant should put the complaint about the Council's procedures or administration in writing, within three months to the Clerk.

6.3.2. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address the complaint to the Chairman of the Parish Council.

6.3.3. The Clerk shall acknowledge receipt of the complaint within 14 working days 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 or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by the full Council). The complainant should be informed of the timescale for the procedure, based on the staffing situation at the time.

6.3.4. The complainant shall be invited to attend the meeting and should be encouraged to bring with them a representative if they wish.

6.3.5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence they wish to rely on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely on at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

6.4 At the Meeting

6.4.1. The complaint will be taken in the exempt part of the meeting and members of the public and press will be excluded to protect the personal data of any party involved.

6.4.2. The Chairman should introduce everyone and explain the procedure

6.4.3. The complainant should outline the grounds for the complaint and, thereafter, questions may be asked by (i) the Chair or Clerk and then (ii), members.

6.4.4. The Chair or the Clerk will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.

6.4.5. The Chair or the Clerk and then the complainant should be offered the opportunity to summarise their position.

6.4.6. The Clerk and the complainant should be asked to leave the room while members of the Council 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.

6.4.7. 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.

6.5 After the Meeting

6.5.1. The decision should be confirmed in writing within seven working days together with details of any action to be taken. If the decision cannot be made at this point due to the complexity of the complaint, this must be confirmed to the complainant with a time scale of when a decision will be likely.

6.6. There is no appeals process and the Councils decision is final.

7. This Complaints Procedure Document

These procedures follow the Local Government Ombudsman guidelines.

The Local Government Act 1974 does not give the Local Government Ombudsman any jurisdiction over Parish and Town Councils and there are no statutory mechanisms in place should complaints be made against local Parish and Town Councils in England.