

# OXSPRING PARISH COUNCIL

## COMPLAINTS PROCEDURE

(Adapted from NALC Legal Topic Note LTN9E)

### Informal Complaints Procedure

Upon receipt of a complaint every effort should first be made by the Clerk or Chairman of the Council to resolve the complaint by speaking directly to the complainant, ensuring that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly.

If the complaint cannot be resolved at this stage, the Clerk or Chairman will then instigate the formal complaints procedure.

### Formal Complaints Procedure

Complaints about an employee of the council (i.e. the clerk) should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a councillor are now subject to consideration under the arrangements for maintaining ethical standards established by Barnsley MBC. Complainants should be advised to contact the appropriate body directly or the Monitoring Officer of Barnsley MBC for further information. Contact details of the Monitoring Officer can be obtained from the Parish Council.

This procedure is therefore aimed at those situations where a complaint has been made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

For the benefit of good local administration, it is suggested that every council adopts a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to the council from other bodies. This procedure ensures that complainants can feel satisfied that at least their grievance has been properly and fully considered.

Oxspring Parish Council views the adoption of a complaints procedure as an efficient way of dealing with complaints received and a means of preserving the good reputation of the council through a transparent process. If the council fail to deal with complaints directly, they may have to utilise other resources in dealing with outside bodies, which the complainant has engaged to further highlight their dissatisfaction.

The council may wish to establish a committee to deal with complaints. This avoids the need for full council having to assemble and also makes the process less daunting for a complainant if they choose to attend a meeting in person. If a committee is formed, it should report its conclusions to the next council meeting.

Under the Localism Act 2011, the principal authority for the area is responsible for promoting and maintaining high standards of conduct by the members of the parish town or community council. Whilst this does not necessarily affect complaints about maladministration and procedure, the local council may consider it good practice to notify the principal authority that a local code for such complaints has been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk or chairman. This procedure has been adapted to suit local circumstances from advice offered by the National Association of Local Councils.

It may be that the clerk at the meeting represents the position of the council. If the clerk is putting forward the justification for the action or procedure complained of, he or she should not advise the council or committee.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

## **CODE OF PRACTICE**

### **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 proper officer. All complaints will be treated confidentially.

If you would like to report a complaint please write to:

Oxspring Parish Council  
Clerk – Mrs S Tolson  
43 Nether Royd View  
Silkstone Common  
South Yorkshire  
S75 4QQ

e-mail [clerk@oxspring-parish.com](mailto:clerk@oxspring-parish.com)

2. If the complainant does not wish to put the complaint to the clerk, they may be advised to put it to the chairman of the council.
3. The clerk shall acknowledge the receipt of the complaint within 7 working days and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as he or she wishes.
5. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at 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 will introduce everyone.
8. The Chairman will explain the procedure.
9. The Complainant (or representative) will outline the grounds for their complaint.
10. Members may ask any question of the complainant.
11. If relevant, the clerk will explain the council's position.
12. Members may ask any question of the clerk.
13. The Clerk and complainant to be offered opportunity of last word (in this order).
14. The Clerk and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).
15. The Clerk and complainant return to hear the decision, or to be advised when a decision will be made.

### **After the Meeting**

16. The Council will confirm their final decision in writing within 7 days of the meeting.