



COMPLAINTS POLICY AND PROCEDURE

LEGAL POSITION

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England.

COUNCIL'S COMMITMENT

Whether a complaints procedure is appropriate

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. The parish council will engage other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, the council will consult our auditor or the Audit Commission as appropriate.
Criminal activity	The Police
Member conduct	A complaint relating to a member's failure to comply with the Code of Conduct will be submitted to Solihull MBC.
Employee conduct	Must be referred to the Staffing Sub-Committee for internal disciplinary procedure.

COMPLAINTS PROCEDURE

The first task is to determine exactly what a complaint is. Sometimes the word 'complaint' is used by members of the public but sometimes it is not. The LGO offers the following definition of a complaint:

'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.'

Confidentiality

The identity of a complainant will only be made known to those who need to consider a complaint at the stage when they become involved with dealing with the complaint.

Stages

1. The complainant will be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer. The address for sending a complaint is:-
287/289 Kenilworth Road, Balsall Common, CV7 7EL
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.



Balsall Parish Council

3. The clerk or other nominated officer shall acknowledge receipt of the complaint within 14 days of receipt of the complaint.
4. The Parish Council shall also notify the complainant who will deal with the complaint and contact details of this individual.

The parish council will operate the following process to resolve complaints depending on the number of staff the council has:

- The Clerk or officer nominated by the Clerk; and then
- Members of the Staffing Sub-Committee.

5. If the council's staff cannot resolve the complaint to the satisfaction of the complainant, then the matter will be referred to the Staffing Sub-Committee, and a meeting of this committee will be called.

Before the Meeting of the Staffing Sub-Committee

6. The complainant will be advised when the matter will be considered by the Staffing Sub-Committee. The complainant will 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 a committee).
7. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
8. 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

9. 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.
10. The chairman should introduce everyone and explain the procedure.
11. 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.
12. 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.
13. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
14. 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.



Balsall Parish Council

15. 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

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

Timescale for handling Complaints

The Council will aim to resolve all complaints from start to finish within 3 months of receipt where practical.

Appeal

The decision of the Staffing Sub-Committee is final and is not subject to any further Appeal. If the complainant is not happy with the decision, then the complainant may raise this with the Monitoring Officer at SMBC.