



## Oswestry Rural Parish Council

### COMPLAINTS PROCEDURE

Oswestry Rural Parish Council is committed to providing a quality service for the benefit of the people who live or work in its areas or are visitors to the locality. Anyone who is dissatisfied with the standard of service they have received from this Council or is unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how to complain to the Council and how the Council will try to resolve the complaint.

This Complaints Procedure has been adopted so that members of the public can be assured that any grievance will be properly and fully considered. It applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with public concerns. It is hoped that by following this transparent process, the reputation of the Council will be maintained.

The Clerk is the Proper Officer of the Council and will represent and advise the Council at any meeting where the complaint will be aired, unless the Clerk is putting forward the justification for action or procedure of the complaint.

#### **Aim of the Complaints Procedure**

- i. To ensure that all complaints from members of the public are handled swiftly and courteously in a transparent and impartial manner to reach a resolution acceptable to all parties.
- ii. To ensure that processes are reviewed to prevent issues re-occurring.
- iii. To improve the Council's services.

This Complaints Procedure does not apply to complaints made by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.

This procedure does not cover complaints about the conduct of a member of the Parish Council. All councillors sign to undertake to observe the Code of Conduct adopted by the Parish Council. A full copy of the Code of Conduct is available on the Parish Council's website at [www.oswestryrural-pc.gov.uk](http://www.oswestryrural-pc.gov.uk)

If a complainant feels a councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to:

Monitoring Officer  
Shropshire Council  
Shirehall  
Abbey Foregate  
Shrewsbury SY2 6ND

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in Standing Orders is followed.

**What may constitute a complaint?**

A complaint is an expression of dissatisfaction about the policies, procedures, administration, and the standard of service, actions or lack of action by Oswestry Rural Parish Council.

**What if you have a complaint?**

The first priority is to raise the issue with the Parish Council.

If a complaint is notified verbally to a Councillor or to the Clerk, a written record of the complaint will be made, noting the name, date/time and contact details of the complainant and the nature of the complaint.

The complainant will be asked to put the complaint in writing (letter/e-mail) to the Clerk giving names and addresses and relevant dates with as much information as possible. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is.

If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example,) the complainant will be advised to write to the Chairman of the Council.

The Clerk will log all complaints and acknowledge them in writing as soon as possible after their receipt.

The Council will endeavour to deal with all complaints immediately although complaints requiring investigation may take longer and, where this is the case, the complainant will be advised.

Upon receipt of a complaint the Chairman, Deputy Chairman and any person to whom the complaint relates will be notified of the complaint and they will be given an opportunity to comment. The Clerk will then endeavour to resolve the complaint with the complainant.

Where the Council receives a complaint about the Clerk's actions, the complaint will be referred to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment. Any matter relating to Grievance or Disciplinary proceedings will be dealt with in accordance with the Council's Grievance and Disciplinary procedures.

All investigations in response to complaints will be dealt with in a timely manner and the complainant will be advised in writing as soon as practicable, but within 20 working days from receipt of the complaint.

All complaints will be considered by full Council at the earliest opportunity. The Council believes that complaints can provide useful information and feedback and assist with future service delivery.

If felt appropriate the complainant will be invited to discuss their complaint at a Parish Council meeting. If the complainant is submitting documentation or evidence for the meeting, they should provide copies to the Clerk at least 7 clear working days before the meeting. Similarly, the Clerk will supply the complainant with copies of any Parish Council documents that are requested, provided these are documents available under the Freedom of Information Act 2000.

The Council may defer consideration of a complaint if further advice is necessary and the complaint will be deferred to a future Council meeting, unless the complaint has been delegated to the Clerk or a committee with delegated powers to deal with the complaint.

Under the Public Bodies (Admission to meetings) Act 1960 the Council may consider whether the circumstances warrant the matter being discussed in the absence of the press and public. In the interests of openness and accountability there must be clear relevant reasons or a request from the Complainant for the matter to be held without the presence of the press or public. The decision of the Council, however, will be published in the minutes.

As soon as practicable after a decision has been made the complainant will receive notification in writing which will include any action that may be taken.

If the complaint is in regard to the Freedom of Information Act and the complainant is not content with the outcome, an application may be made directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless the complaints procedure provided by the Council has been exhausted. The Information Commissioner can be contacted at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF.

#### **What if you are not satisfied?**

The Council is committed to dealing with all complaints fairly and impartially.

If the complainant is not satisfied with the response to the complaint, they should write to the Clerk explaining the reasons why. If new information is brought to the attention of the Council, then the complaint will be re-considered at the earliest opportunity. The Council will consider new information on its merits but the Council's decision after re-consideration will be final and the complaint considered to be concluded.

It may transpire that the complaint cannot be resolved to the mutual satisfaction of both parties and an advocate might be helpful. If required, the Council will help the complainant to find an independent advocate.

Prior to taking any further action, the complainant should consider whether they feel that:

- the complaint has been investigated properly;
- any decision reached is fair and impartial; and
- communication with the complainant has been adequate.

It should be noted that currently the Local Government Ombudsman has no jurisdiction over parish and town councils.

*Procedure adopted 28 July 2015*

*Reviewed 29 August 2017*

*Reviewed May 2019*