

Atherstone Town Council



COMPLAINTS PROCEDURE



QUALITY
PARISH &
TOWN
COUNCIL
SCHEME

ATHERSTONE TOWN COUNCIL Complaints Procedure

1. Definition

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action regarding procedure or administration only.

2. Introduction

Pursuant to the Local Government Act 1972 the Local Government Ombudsman has no jurisdiction over parish and town councils in England. The Council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints.

3. Informal Complaints

3.1 It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Town Clerk (or other nominated officer), Mayor or Chair of the appropriate Committee will resolve most issues raised by a member of the public.

3.2 Any informal complaint will be brought to the Council by the Mayor to be noted.

4. Formal Complaints

4.1 In certain circumstances procedures/bodies other than Atherstone Town Council may be appropriate 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, councils may need to consult their auditor / Audit Commission |
| Criminal activity | The police |
| Member conduct | In England a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority. In Wales, any complaint about member conduct should be made to the Public Services Ombudsman |
| Employee conduct | Internal disciplinary procedure |
| | |

4.2 The complainant shall submit the complaint about the councils' procedures or administration in writing to the clerk or other nominated officer.

4.3 If the complainant does not wish to do this he or she shall address it to the chairman of the council.

4.4 The clerk or other nominated officer will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or the complainants committee. The complainant will also be advised whether the complaint will be treated as confidential or whether notice will be given in the usual way.

4.5 The complainant will be invited to attend a meeting and to bring with them a representative, if they wish.

- 4.6** Seven clear working days prior to the meeting, the complainant will provide the council with copies of any documentation or other evidence relied on. The council will provide the complainant with copies of any documentation upon which they wish to rely at the meeting and will do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.
- 4.7** The council will consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint will be announced at the council meeting in public.
- 4.8** The chairman will introduce everyone and explain the procedure.
- 4.9** The complainant (or representative) will outline the grounds for the complaint and thereafter questions may be asked by, the clerk or other nominated officer, then the members.
- 4.10** The clerk or other nominated officer will have an opportunity to explain the councils' position and questions may then be asked by, the complainant or representative, then the members.
- 4.11** The clerk or other nominated officer and then the complainant or representative will be offered the opportunity to summarise their position.
- 4.12** The clerk or other nominated officer and the complainant and representative will be asked to leave the room while the members decide whether or not grounds for complaint have been made. If a point of clarification is needed both parties will be invited back.
- 4.13** The clerk or other nominated office and the complainant and representative will be given the opportunity to wait for the decision, but if it is unlikely to be reached that day they will be advised when it is likely to be made and when it is likely to be communicated to them.
- 4.14** The decision will be confirmed in writing within seven working days, with details of any actions to be taken.