

# AMPLEFORTH PARISH COUNCIL

## COMPLAINTS POLICY AND PROCEDURE

**Adopted:** 5<sup>th</sup> December 2024      **Due for review:** When advised by NALC

### Introduction

From time to time, complaints may arise about the administration or procedures of the Parish Council. Local councils are not subject to the jurisdiction of the Local Government Ombudsman. Therefore it is recommended for transparency and for the benefit of good local administration that parish councils should adopt a standard formal procedure for considering complaints

Ampleforth Parish Council believes a Code of Conduct for the Handling of Complaints demonstrates that the Council:

- wishes to provide a good service;
- is committed to listen to and act upon residents' views;
- undertakes its business in an open and honest manner;
- wishes to deal with complaints fairly and expeditiously.

It will not be appropriate to deal with all complaints under a complaints procedure and the following table indicates types of complaint that fall outside the scope of this policy, and the appropriate form of referral necessary:-

Type of conduct	Refer to
Alleged financial irregularity	Complaints about financial irregularity should be referred to the Council's auditor, whose name and address can be obtained from the Clerk. (Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998.)
Alleged criminal activity	The police
Councillor conduct	A complaint relating to an individual councillor's failure to comply with the Code of Conduct must be submitted to North Yorkshire Council, Monitoring Officer
Employee conduct	To be dealt with by internal disciplinary procedure. If the complaint is about the Clerk, the complaint should be referred to the Chairman

The procedure that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not appropriate for a complaint against individuals, as the provisions above cover these situations. The procedure is designed for those complaints that cannot be satisfied by less formal measures or by explanations provided to the complainant by the Clerk.

## **Procedure**

The following lays out the procedures to be followed, should a complaint be received.

1. The complainant should put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated officer. Anonymous complaints will be disregarded.
2. The complainant should be asked if they wish the complaint to be dealt with confidentially.
3. 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.
4. The Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints if one exists. 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 a Committee).
5. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
6. 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***

7. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the council meeting in public.
8. The Chairman should introduce everyone and explain the procedure.
9. The complainant (or representative) should outline the grounds for the complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii), members.
10. 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.
11. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
12. 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.

13. 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 finalized 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***

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