



# **High Offley Parish Council**

**(including the Wards of Shebdon & Woodseaves).**

## **Complaints Procedure 2024.**

**Formally adopted by Council: Adopted 13 June 2024 (Minute 24/057)**

**Next Review: June 2024, or before.**

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This procedure has been adopted for dealing with complaints about the Council's administration, its procedures, or any complaint against the Clerk. Complaints about a policy decision made by the Council will be referred back to the Council, for consideration.

This procedure does not cover complaints about the conduct of individual Councillors. If a person makes a complaint which alleges that a Councillor has failed to comply with the Council's Code of Conduct, the Monitoring Officer at Stafford Borough Council will be informed, in line with the Code of Conduct.

### **General Procedure.**

1. The Clerk is the sole employee of High Offley Parish Council and is also both the Proper Officer and Responsible Financial Officer. Complaints relating to the Clerk will be dealt with by the Parish Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights, to which employees are entitled.
2. Complaints about the Council's administration, procedures, or policies, will also be dealt with by High Offley Parish Council. The outcome of such a complaint will be published.
3. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint orally to the Council.
4. Seven clear working days prior to the meeting at which a complaint is to be considered, the complainant will be requested to provide the Parish Council with copies of any documentation, or other evidence, which they wish to refer to at the meeting. Likewise, the Parish Council will provide the complainant with copies of any documentation, which it wishes to rely on at the meeting.
5. If a complaint about the Council's administration, procedures or the actions of the Clerk is notified orally to a Councillor, or to the Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
6. The complainant will be asked to put the complaint in writing (letter or email) to the Clerk to the Council. The intention will be that a complaint is dealt with within twenty-eight (28) days of receipt. Refusal to put the complaint in writing, does not necessarily mean that the complaint cannot be investigated, but to deal with the matter fully and efficiently, a detailed complaint in writing is preferred.
7. If the complainant does not wish not to make a complaint to the Clerk (because the matter relates to the Clerk, for example) they should be advised to contact to the Chair of the Council.
8. On receipt of a written complaint, the Clerk (except where the complaint is about their actions) or Chair of Council (if the complaint relates to the Clerk),

will seek to resolve the complaint directly with the complainant, in the first instance.

9. Where the Clerk, or a Councillor, receives a written complaint about the Clerk's actions, they shall refer the complaint to the Chair of the Council.
10. The Clerk will be formally advised of any complaint made about them and given an opportunity to comment.
11. The Clerk, or Chair of the Council, will report any complaint disposed of by direct action with the complainant, to the next meeting of the Council.
12. The Clerk, or Chair of the Council, will report any complaint that has not been resolved to the next meeting of the Council.
13. The Council may consider whether the circumstances of any complaint, warrant the matter being discussed in the absence of the press and public, although any decision on the complaint will be announced at the Council meeting in public.
14. As soon as possible after the decision has been made, the complainant will be notified in writing of the decision and any action to be taken.
15. The Council may defer dealing with any complaint, if it is of the opinion that issues have arisen on which further advice needs to be sought. The advice will be considered and the complaint dealt with at the next meeting, after the advice has been received.

### **Meeting Procedure for Consideration of a Complaint.**

1. The Chair will introduce everyone and will explain the procedure.
2. The complainant will be asked to outline the grounds for complaint.
3. Members of the Council may ask questions of the complainant.
4. If relevant, the Clerk will explain the Parish Council's position.
5. Members of the Council may ask questions of the Clerk.
6. The Chair will summarise the Parish Council's position and then the complainant will be offered the opportunity of summing up.
7. The complainant will be asked to withdraw from the meeting (together with anyone accompanying them) whilst Councillors reach a decision on whether or not the grounds for the complaint have been made.
8. It may be appropriate in some circumstances for the Clerk to also withdraw from the meeting whilst Councillors reach a decision.
9. If any points of clarification are required, complainants may be invited to re-join the meeting whilst clarification is sought.

10. Complainants may re-join the meeting to be advised of the decision of the Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give a complainant the decision at the meeting, with the detailed reasons following in the decision letter.
11. The decision will be confirmed in writing within seven working days, together with details of any action to be taken.
12. In all matters dealt with solely by High Offley Parish Council, the decision of the Council is final, with no appeal process. The Local Government Ombudsman does not consider complaints made in respect of Parish Councils.

### **Unreasonable and Vexatious Complaints.**

There may be circumstances when a complainant persists pursuing a complaint, when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should, or has been taken.

These matters will be referred to the Parish Council by the Clerk, with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant, making it clear that only new and substantive issues will merit a response.

### **Anonymous Complaints.**

Anonymous complaints will be disregarded.

### **Notification of Formal Complaints to Other Agencies.**

In some circumstances, it may be appropriate for the Parish Council to notify other agencies of a complaint, such as, but limited to:

- Staffordshire Police.
- HM Revenue & Customs.
- The Health and Safety Executive.
- The Environment Agency.
- The Information Commissioner.
- The Financial Conduct Authority.