

Girton Parish Council

Complaints Policy relating to the administration or policy of the Council

Introduction

Girton Parish Council provides a wide range of services. They include sporting facilities, outdoor pursuits, provision of safe play and meeting places for everyone from the very young to the retired and more senior members of our community and they are responsible for such things as bus shelters, various hedges, fences and ditches, seats, footpaths, trees, playing fields and much more.

During the course of their duties the Clerk, Councillors and other officers of the Parish Council have daily contact with users of these facilities, with contractors who maintain them and other bodies who have an interest in them. Inevitably grievances may come to the fore and they could find themselves subjected to complaints made against them personally, about equipment, village maintenance, Council policy, or about other outside issues.

Equally enquiries from villagers and other members of the public seeking information, making bookings, expressing frustration or annoyance with issues that they wish resolved as soon as possible are received daily at the Parish Office. These issues may be the responsibility of the Parish Council, of other outside bodies or Councils and could also be the cause of grievance or complaint.

In all cases complainants should receive a clear and helpful response with every effort made to resolve any grievance quickly and to the satisfaction of the person making the complaint

Complaints covered by this guidance

Complaints may take many forms. Whilst the Clerk and Council will consider each case carefully this complaints policy is primarily focused on responding to complaints about poor administration or policy.

Complaints against employees are dealt with in accordance with employment law by Girton Parish Council under an internal and confidential disciplinary procedure.

Councillors are bound by a separate code of practice and poor conduct by them is dealt with by South Cambridgeshire District Council.

Referrals to External Bodies

The Local Government Ombudsman has no jurisdiction over parish councils under the terms of the Local Government Act 1974. However, some complaints can be referred to external bodies for investigation.

The list below, provided for the information of complainants, shall not be regarded as comprehensive but may provide useful sources of advice and assistance.

| Complaint against Girton Parish Council | Refer complainant to: |
|--|--|
| Concern about the legality of a decision of the Parish Council | The Courts for a judicial review of the Council's decision |

This policy was approved by Girton Parish Council for residents of Girton on 18th November 2009.

| | |
|---|---|
| Poor behaviour by a Parish Councillor(s) e.g. breaching the Code of Conduct ¹ . | Standards Committee of South Cambridgeshire District Council ² |
| Financial irregularity | The Council's external auditor or the Audit Commission |
| Suspected criminal activity | Police |
| Not releasing information under the terms of the Freedom of Information Act 2000. | The Information Commissioner. |
| Where the Council is carrying out functions on behalf of another local authority, and does so in such a way to cause complaint. | In this instance the issue shall be referred to the principal authority, and if not resolved may be referred to the Local Government Ombudsman. |

Informal complaints to Girton Parish Council

The initial point of contact will normally be via the Parish Clerk and most enquiries of Girton Parish Council will be dealt with quickly and to the satisfaction of the enquirer. In instances where the matter cannot be resolved to that person's satisfaction a complaint may result.

These complaints will usually be dealt with informally at the time of or shortly after they arise by the Parish Clerk who will record the incident in a complaints register or in correspondence to be placed before the full council. In all cases the clerk must inform the Chairman of the Parish Council or if appropriate his deputy of any actions he has taken.

The Clerk may, if appropriate, discuss the issues with his/her Parish Chairman, his/her deputy, or relevant Committee Chairman who may themselves deal with, or advise the Clerk on the Council's response to the complaint. The Clerk or other members of the Parish Council may also discuss the issues with other advisors.

In most instances issues will be resolved at this stage.

In all cases the complainant should be informed of the result and acknowledge in writing that he/she is satisfied with the result and that he/she requires no further action.

Where complaints are not satisfactorily resolved informally the complainant may wish to make a formal written complaint.

Girton Parish Council's Formal Complaints Procedure

- 1 **Formal** complaints shall be submitted in writing to the Clerk, (or the Chairman of the Council if the complaint concerns the Clerk), shall be signed and dated, and include: full details of the complaint, and why it is being made at that time; the subject of the complaint (e.g. Council, Councillor(s), Clerk); the desired outcome; and name and address of the person making the complaint.

¹ Copy available from Girton Parish Office

² Contact Holly Adams, Democratic Services Officer, South Cambridgeshire District Council T: 01954 713030

- 2 The Clerk shall acknowledge receipt, provide advice on the complaints process, and copy the complaint to the Chairman (or the Vice-Chairmen if the complaint is against the Chairman).
- 3 The Chairman (or Vice Chairmen) in consultation with the Clerk, shall contact the complainant(s) in writing within 7 working days of receipt to respond to the complaint, or seek further clarification.
- 4 A copy of the written complaint and response shall be circulated by the Clerk to all members of the Council, including the Councillor or Officer who is the subject of the complaint. Where this is inappropriate due to the nature of the complaint The Clerk, Chairman or his deputy must record the reasons for not informing the full council and/or the subject of the complaint. At the conclusion of any enquiry the full council should then be informed of these reasons.
- 5 Where it is appropriate and if it becomes clear that a solution cannot be reached or that the complainant still feels a sense of grievance the issue(s) shall be discussed at the next meeting of the full Council with the aim of resolving the matter as far as is possible, and agreed actions (*if any*) recorded in the minutes of the meeting. In the case where serious complaint is made it may be appropriate to cancel all Parish Meetings until the matter is resolved.
- 6 If the complaint remains unresolved and it is appropriate to do so then all the parties to the complaint shall be invited to attend an 'Extraordinary meeting' of the Council by the Chairman (or Vice Chairman if appropriate). Seven clear working days shall be provided prior to the meeting to allow the complainant time to prepare, and arrange advisors or representatives to attend. He/she may also submit additional documentation at this stage subject to it reaching the Parish Office marked "Confidential – Formal Complaint" at least 2 working days before the meeting.
- 7 The following procedure shall apply at the meeting, and be recorded in the minutes of the meeting:
 - (i) the Chairman shall introduce everyone, explain the procedure, and invite the complainant(s) to state in full the details of the complaint.
 - (ii) The subject(s) of the complaint shall be invited to question the complainant.
 - (iii) Any Members of the Council shall be allowed to question the complainant.
 - (iv) The subject of the complaint shall be invited to answer the complaint.
 - (v) The complainant shall be invited to question the subject.
 - (vi) The complainant may make a closing statement.
 - (vii) The subject of the complaint may make a closing statement.
 - (viii) The complainant and the subject shall then temporarily withdraw.
 - (ix) The Council shall consider the evidence and may come to a decision in respect of the complaint.
 - (x) Where the complaint is upheld in full or in part the Council may agree a remedy.

This policy was approved by Girton Parish Council for residents of Girton on 18th November 2009.

- (xi) The complainant and the subject of the complaint shall be invited back into the meeting and advised of the decision.
 - (xii) This shall be confirmed in writing within the next 7 working days together with details of any action that has been taken.
8. Any appeal against the decision of the Council shall be considered by the Council in closed session at its next meeting.