

# **RUYTON XI TOWNS PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

**Adopted: February 2017**

**Reviewed and updated: June 2020**

**Re-adopted: July 2020**

**Next review due: July 2022**

In order for any complaint about Ruyton XI Towns Parish Council to be dealt with, the following procedure has been adopted so that members of the public can be assured that any grievance will be properly and fully considered. It is hoped that by following this transparent process, the reputation of the Council will be maintained.

The Parish 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 a resolution acceptable to all parties.
- ii. To ensure that processes are reviewed to prevent issues reoccurring.
- iii. To improve the Council's services.

### **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 Ruyton XI Towns Parish Council or a person or body acting on behalf of the Council.

### **Complaints about councillor (or councillors') conduct**

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. You can [find the Code of Conduct on the Parish Council's website](#). If a complainant feels a councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to:

**The Monitoring Officer,  
Shropshire Council,  
Shirehall,  
Abbey Foregate,  
Shrewsbury  
SY2 6ND**

### **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 (contact details below) giving names and addresses and relevant dates with as much information as possible. The complainant will be asked to confirm in writing if he or she wants the complaint to be treated confidentially.

If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair of the Council.

The Clerk will log all complaints and acknowledge them in writing, normally within 5 working days.

However, due to the Council only having one part-time employee, the Clerk, some acknowledgements may take longer.

It is hoped to be able to resolve most non-complex complaints immediately, but for more complex issues a thorough investigation may need to be undertaken.

On receipt of a complaint, the Clerk or the Chair (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying the Chair and Vice Chair and any person complained about, and giving them an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

Where the Clerk or a Councillor receives a complaint about the Clerk's actions, he or she shall refer the complaint to the Chair. The Clerk will be formally advised of the matter and given an opportunity to comment. Any matter relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's Grievance and Disciplinary procedures.

Investigations will be dealt with as quickly as possible and under normal circumstances the complainant should get a written response within 15 working days. Should either party request a meeting as part of the investigations, the Council will be represented by 2 people normally the Clerk and Chair. The date and venue of meeting will be mutually agreed allowing 5 days for any new information or evidence relevant to the complaint to be reviewed by both parties. A meeting between parties may result in a written response being delayed.

All complaints will appear on the agenda for discussion at the next full meeting. The Council believes that complaints can provide useful information and feedback.

Under 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 made public at the end of the meeting.

If a complaint has not been satisfactorily resolved by the time of the meeting, the Clerk will notify the complainant of the date of the meeting.

If the complainant is submitting documentation or evidence for the Parish Council 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 dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.

As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

Under the Local Government Act 2000, s.92 (payments in cases of maladministration), the Council may consider in the circumstances of any particular complaint whether to make any without liability payment

or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

### **Complaints relating to Freedom of Information**

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 have the opportunity to attend the next full meeting of the Council and to explain the reasons to the Council. Alternatively, a meeting with the Clerk and/or Councillor(s) can dispel misunderstandings and move matters towards a resolution.

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 find an independent advocate.

Prior to taking any further action, the Council would ask any complainant to consider whether:

- the complaint has been investigated properly;
- any decision reached on 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.

### **Contact Details**

<b>Parish Clerk:</b> Lydia Bardsley, 164 Cabin Lane, Oswestry, Shropshire SY11 2PF Tel: 01691 238267 Email: <a href="mailto:parishclerk@ruytonxitownsparishcouncil.org.uk">parishclerk@ruytonxitownsparishcouncil.org.uk</a>	<b>Chairman:</b> Simon Gittins, Wykey Farm, Wykey, Ruyton XI Towns, Shrewsbury, SY4 1JA Tel: 01939 260273 Email: <a href="mailto:simon@whgittins.co.uk">simon@whgittins.co.uk</a>
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