



October 2004

CALC Model Complaints Procedure

Introduction

1. Amongst the complaints which members of the public make about Local Councils are complaints about administration or procedures. The quantity of these complaints is noticeably increasing. It is in the particular interest of the Council concerned to settle a complaint because, even if it is justified, it will in the absence of any settlement be raised again. This is bad for the Council since it wastes its time and affects its good reputation. It is also of general concern to all Councils that complaints should be settled as soon as possible. Experience suggests that in many cases a complaint will not be pursued if the complainant sees that it has been properly handled.
2. Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council. If a complaint is not settled by the Council a complainant may try to enlist the services of other bodies and provoke considerable expenditure of time and resources.
3. The Parish Charter has a requirement for all partners to have a complaints procedure in place.
4. In the event of a complaint about the behaviour of a Councillor, which involves an alleged breach of the Code of Conduct, there is a duty upon any individual Councillor who becomes aware of the complaint to report it direct to the Standards Board for England without Council debate.
5. As Local Councils are not subject to the jurisdiction of the Local Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment with regard to matters of administration and procedures. Therefore, every duly made complaint should be dealt with according to this code however trivial it might appear to be at first sight.
6. For the benefit of good local administration Local Councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to which they have been made.
7. The receipt of a complaint is an opportunity for the Council to look at its own administration and procedures, ensuring that the Council is seen to act in an open, transparent and accountable way. Experience tells us that complainants may be the Councillors of the future.
8. The following model procedure endeavours to ensure that complainants can feel satisfied that their grievance has been properly and fully considered.

Model Complaints Procedure

9. If a complaint about procedures or administration is notified orally to a Local Councillor or to the Clerk and they cannot satisfy the complainant fully forthwith the complainant shall be asked to put the complaint in writing to the Clerk and the complainant assured that it will be dealt with promptly after receipt.
10. If a complainant prefers not to put the complaint to the Clerk, s/he shall be advised to put it to the Chairman.
11. On receipt of a written complaint the Clerk or Chairman, as the case may be, shall (except where the complaint is about his/her own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or Councillor without first notifying the person complained of and giving him/her an opportunity for comment on the manner in which it is intended to attempt to settle the complaint.
12. Where the Clerk or Chairman receives a written complaint about his or her own actions s/he shall forthwith refer the complaint to the Council.
13. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
14. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.
15. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
16. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
17. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary from CALC or other source of legal advice. The complaint shall be dealt with at the next meeting after the advice has been received.
18. A summary of complaints received during the year will be included in the Annual Report.