

## Nether Alderley Parish Council

### Handling Complaints

#### Introduction

Nether Alderley Parish Council welcomes contact from local residents should residents wish to raise issues that are relevant to the local community and parish with Parish Councillors. Residents can contact the Clerk to the Parish Council by letter, e-mail or telephone and can attend Parish Council meetings to speak with Councillors, as there is point in each meeting dedicated to give local residents this opportunity. The Parish Council asks that you make contact with the Clerk first to confirm timings.

However, if you have a **complaint** about the way the Parish Council has made a decision, has not followed procedures, an action taken by the Council or lack of action or a complaint about the standard of service provided, the Parish Council has a process in place to receive and address complaints. The Parish Council will seek to address and resolve complaints as quickly as it can and in line with its policy.

#### Use of the Complaints Procedure

Nether Alderley Parish Council's complaints procedure is based upon the National Association of Local Council's guidance, 2014.

This internal Complaints Procedure may not, in all cases, be the appropriate route to deal with all complaints. In the following circumstances the Parish Council may hand over to an external organisation or a complainant may wish to take a complaint directly to the external body:

Type of Conduct	Refer to
Financial irregularity	Local elector's statutory right to object the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, Councils may need to consult their auditor/Audit Commission
Criminal Activity	The Police
Member conduct	In Cheshire East, a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer at Cheshire East Council. The Nether Alderley Parish Council Code of Conduct can be obtained from the Clerk or found on the <a href="http://netheralderleyparish.com">netheralderleyparish.com</a> website
Employee Conduct	Internal Disciplinary Procedure

To note, the local Government Ombudsman has no jurisdiction over parish and town councils in England unless it is working jointly with a principal authority through a joint committee or exercising the functions of a principal authority. Therefore, the Parish Council is minded that an accessible and workable Complaints Procedure is needed in relation to the Parish Council.

#### Confidentiality

The identity of a complainant will only be made known to those who need to consider a complaint and the Parish Council/ Committee will take care to maintain confidentiality where circumstances demand e.g. where matters concern financial or sensitive information or where third parties are concerned.

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The complaint against the local Council will be considered personal to the complainant and will be treated as confidential unless the complainant confirms that they waive their right to confidentiality.

## **Raising matters of concern/ 'informal' complaint.**

Where a member of the public wishes to raise an issue with Parish Council or Clerk about its services, decisions, actions or procedures but does not wish to raise a formal complaint, the Clerk will do their best to investigate, address and resolve the issue within 10 working days, or inform the contact of the length of time required to address the issue, with a specified reason.

## **Complaints Procedure**

### **Stage One**

#### **Submission of Complaint**

1. The complainant should submit a complaint in writing to the Parish Council Clerk, at the following address:

28 Sandhurst Drive,  
Wilmslow,  
Cheshire SK9 2GP

The correspondence should clearly identify that it is a complaint and should include the detail of the complaint, including relevant events, dates, names of relevant members, staff and the complainant's name and contact details.

The Complainant should indicate whether they want the complaint to be treated confidentially

If the complainant does not wish to submit the complaint to the Clerk, they may address it to the Chairman of the Parish Council at the address above, marked 'personal and confidential'.

2. The Clerk shall acknowledge receipt of the complaint and shall do their best to investigate, address and resolve the complaint within 10 working days, or inform the complainant of the length of time required to address the complaint, with a specified reason.

#### **Referral to Complaints Committee**

3. If the Complainant is not happy with the way the complaint is being handled by the Clerk, they may request that the complaint is considered by a Complaints Committee, configured to handle the complaint.
4. If the Clerk considers that the complaint should be considered by the Committee, the complainant will be advised when the matter will be brought before the Committee.
5. If the complaint is addressed to the Chairman, the Chairman will acknowledge receipt and advise the complainant when the matter will be brought before the Committee
6. If the matter is dealt with by the Committee, the complainant will be invited to attend a meeting and may bring a representative with them if they wish. The complainant will be advised whether the complaint will

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be treated as confidential or whether notice will be given in the usual way for public to be present. The Committee will aim to meet within 4 weeks of the complaint being made or otherwise provide reason for extending this time period.

7. At least 7 working days prior to the meeting, the complainant will provide the Committee with copies of documentation or any other evidence to be referred to or relied on. The Council will provide the complainant with copies of any documentation upon which they wish to rely at the meeting.
8. The Complaints Committee will usually comprise the Vice Chairman to the Parish Council and two other Councillors selected by the Parish Council.

## **Complaints Committee Meeting**

9. The Committee shall consider whether any circumstances of the meeting warrant the exclusion of the public and press.
10. The Chairman appointed to the Committee will introduce everyone and explain the procedure
11. The complainant (or their representative) will be asked to outline the grounds for complaint and, then questions may be asked by the Clerk (Officer) and Committee members
12. If relevant, the Clerk, or other nominated Officer, will have the opportunity to explain the Council's position and the complainant and Councillors may have the opportunity to ask the Clerk questions.
13. The Chairman will summarise the Parish Council's position and the complainant will have the opportunity to sum up their position.
14. The complainant will be asked to withdraw from the meeting while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, the complainant shall be invited back.
15. The complainant will be then able to re-join the meeting to be advised of the decision but if the decision is unlikely to be finalised on that day, they will be advised when the decision is likely to be made.

## **Decision**

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

Signed: \_\_\_\_\_ Chairman

**Reviewed: 12.02.18**