

Complaints Procedure

For use in complaints against Crosthwaite and Lyth Parish Council

Definition of a Complaint

A complaint will take one of the following forms:

- a) An allegation of failure by the Council to :-
 - i. follow procedures set out in its Standing Orders
 - ii. provide prescribed services
 - iii. administer its business set out in its Financial Orders.
- b) An allegation of abuse of Powers by the Council, as a corporate body.
- c) A complaint against the behaviour and/or action of an individual Councillor or the Clerk.
- d) Any other complaint (not covered by the above).

The Council's preference is to deal with complaints amicably, informally and orally, directly with the complainant. In the first place the complainant should contact the Clerk who will try to resolve the matter directly. If the complaint is against the Clerk, then it should be referred to the Chair. Should it not be possible to resolve the complaint informally, then the following procedure should be followed.

Before processing a complaint:

All complaints should be reported to the Council and minuted.

1. All formal complaints against Crosthwaite and Lyth Parish Council must be communicated in writing.
2. The complainant must state if he/she wants the complaint to be treated confidentially. This will determine whether or not the complaint is heard in public or in private.

The Council will comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

3. Complaints to be addressed to the Clerk: Malcolm Richardson, Old Barn Cottage, Borwick, Carnforth, Lancs LA6 1JS

E-mail :- crosthwaiteandlyth.pc@hotmail.com

If the complainant does not wish to address the complaint to the Clerk, then it should be addressed to the Chair of the Parish Council (details on the parish council web site).

Receipt of the complaint:

4. Receipt of the complaint will be acknowledged in writing within one week of the date of receipt. The complainant will be supplied with a copy of this Complaints Procedure, will be advised when the complaint will be dealt with and advised on the next steps in the procedure.

Investigating the complaint:

5. The nature of the complaint must be clearly established and agreement reached on which of the categories, listed above, it will fall within.

The evidence will be put before the Council at a suitable hearing for adjudication.

If the complaint falls within category a) it will firstly be considered by the Council, or a sub-committee of Councillors, who will decide whether the complaint should be lodged against the Council as a whole, or against an individual Councillor or the Clerk. The complaint will then be moved to category b) or c) as appropriate.

If the complaint falls within category b), above, then the complaint will be referred to an Independent Person. The Clerk will communicate with SLDC and ask SLDC to recommend an Independent Person.

If the complaint falls within categories c) or d) above, then the complaint will be heard by the Council, or a sub-committee of the Council. A person, against whom a complaint has been made, will not sit on the Parish Council or sub-committee investigating the complaint, but may attend the meeting, when the complaint is investigated, to explain his/her position.

6. The Parish Council (or Independent Person) will need to investigate the facts of the complaint and collate relevant evidence and advice.

7. The Parish Council's complaints procedure permits the complainant to make verbal representations. The complainant will be invited to the next Parish Council meeting or a meeting arranged with a Complaints Sub-committee – (Clerk, Chair and nominated Councillor). Before the meeting and within the period specified (i) the complainant shall provide the Clerk with any new information or other evidence relevant to the complaint and (ii) the Clerk shall provide the complainant with new information or evidence relevant to the complaint.

Meetings with the complainant (if applicable):

8. The Chair of the meeting will explain how the meeting will proceed.
9. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by the chair, and by members, if this is a Parish Council meeting or a meeting of the Complaints Sub - committee.

The person, against whom the complaint is being made, should be given the opportunity to explain his/her position. He/she may be asked questions by the complainant and by the committee and may ask questions of them.

10. The Chair or nominated officer will have an opportunity to explain the Council's position and questions may be asked by the complainant.
11. The person against whom the complaint is being made, then the complainant and, finally, the Chair, should be offered the opportunity to summarise their respective positions.
12. The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

After the complaint has been decided:

13. Within the timeframe agreed, the council will write to the complainant to confirm whether or not it has upheld the complaint. The council will give reasons for its decision together with details of any action to be taken by the council if this is appropriate.
14. The nature of the complaint and the decision of the Council or Sub-committee will be reported at the next Council meeting and minuted.

Unresolved Complaints

15. If this procedure does not resolve the complaint then the two parties should agree on an Independent Person to hear an appeal.