

CASTLE SOWERBY PARISH COUNCIL

Clerk: Rachael Kelly, 29 Greystoke Park Avenue, Penrith, Cumbria, CA11 9DB. Tel: 01768 863900;
parishclerk@castlesowerby.org.uk; www.castlesowerby.org.uk

Complaints Procedure

1 INTRODUCTION

Castle Sowerby Parish Council (“the Council”) is committed to providing a quality service to the people who live or work in the Parish, or who are visiting it. If you are dissatisfied with the service you have received from us or anyone working on our behalf, this procedure sets out how you may complain to us and how we shall attempt to resolve the problem.

2 WHAT IS A COMPLAINT?

People’s perceptions differ widely. It is, therefore, difficult to give a precise definition of “complaint”. However, for our purposes, a complaint is any expression of dissatisfaction about a service undertaken by the Council. For example, you may be unhappy about:

- the service you have received from us, including from the Clerk or contractors working on our behalf;
- things you think we should have done or should not have done, whether by law or by established practice;
- instances where you think we have not followed adopted procedures or policies.

In all cases, our aim is:

- to deal with complaints impartially, objectively and swiftly;
- whenever possible, to find a solution locally that is to the satisfaction of all parties.

3 SCOPE OF THIS PROCEDURE

This procedure applies to complaints about the Council’s administration and procedures. It may include complaints about how the Clerk has dealt with your concerns. It does not apply to

- complaints by the Clerk against the Council as an employer (which are covered by the *Disciplinary and Grievance Procedure*);
- complaints against a Councillor (which are dealt with by the *Code of Conduct* and will be referred to the Monitoring Officer of Eden District Council).

4 DISSATISFACTION WITH COUNCIL DECISIONS

The appropriate way to influence Council decisions is by raising your concerns before the Council debates and votes on the matter. You may do this by writing to the Clerk in advance of the meeting where the matter will be decided, or by raising your concern during the public participation section of the meeting.

If you are unhappy with a Council decision, you may raise your concern with the Council. Bear in mind, however, that our Standing Order 7 prevents us from rescinding a decision within six months unless a special procedure, set out in Standing Order 9, is followed.

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5 INFORMAL APPROACH (STAGE 1)

It is not appropriate to treat all complaints from members of the public under the formal procedure described in Section 6. Whenever possible, the Parish Clerk will try to resolve your complaint immediately and informally. If you do not wish to complain to the Clerk, you may make your complaint directly to the Chairman of the Council. If neither the Clerk nor the Chairman can resolve the matter informally, then the complaint will proceed to Stage 2, as described below.

Any complaint resolved informally will be brought by the Clerk or the Chairman to the Council for noting.

6 FORMAL APPROACH (STAGE 2)

This formal procedure will be initiated only when attempts to resolve a problem informally have been tried and have failed.

6.1 To whom should I complain?

- If your complaint is against a Councillor, you should refer matter to the Monitoring Officer at Eden District Council.
- If your complaint is against the Clerk, you should refer the matter to the Chairman of the Council.
- All other complaints should be referred to the Clerk.

Please note that the Local Government Ombudsman has no jurisdiction over parish councils in England.

6.2 The procedure

1. You must put your complaint about our procedures or administration in writing to the Clerk. If you do not want to raise the complaint with the Clerk, then you should raise it directly with the Chairman of the Council.
2. You will be invited to attend a meeting and to bring with you a representative if you wish.
3. Seven clear working days prior to the meeting you must provide the Council with copies of any documentation or other evidence to be relied upon. The Council will provide you with copies of any documentation upon which it will rely at the meeting and will do so promptly, allowing you the opportunity to read the material in good time for the meeting.
4. The Council will consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint will be announced at the Council meeting in public.
5. The Chairman of the meeting will introduce everyone and explain the procedure.
6. You (or your representative) must then outline the grounds for complaint. Thereafter questions may be asked by the Clerk and then members.
7. The Clerk or Chairman will have the opportunity to explain the Council's position and questions may be asked by you and members.
8. You will be offered the opportunity to summarise your position.
9. The Clerk (if the complaint is about the Clerk) and you will be asked to leave the room whilst members decide whether or not the complaint is justified. If a point of clarification is necessary

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both parties will be invited back.

10. The Clerk (if the complaint is about the Clerk) and you will be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day you will be advised when the decision is likely to be made and when it is likely to be communicated to them.
11. The decision should be confirmed in writing within seven working days together with any action to be taken.

7 UNREASONABLE AND VEXATIOUS COMPLAINTS

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. These matters will be referred to the Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

8 ANONYMOUS COMPLAINTS

Anonymous complaints will be disregarded.

Approved: May 2020

Review: Not later than May 2021