

Ennerdale & Kinniside Parish Council

Complaints Procedure

Adopted by the Council on 17th January 2023. Minute 840/01/23.

Ennerdale and Kinniside Parish Council is committed to providing a high level of service to its residents and anyone who deals with the Parish. We are committed to conducting our business fairly and equitably. The aim of this policy is to enable investigation of complaints in a timely and impartial manner and seek a solution that satisfies the complainant and the Council. Complaints procedures will not apply to anyone who complains anonymously.

Parish councils as corporate bodies are not subject to the jurisdiction of the local government ombudsmen, so there are no provisions for another body to which a complaint can be referred.

Ennerdale and Kinniside Parish Council complaints procedure does not cover complaints about an individual councillor, you must contact the monitoring officer for this:

The Monitoring Officer
Copeland Borough Council
The Market Hall
Market Place
Whitehaven
CA28 7JG

Email: codeofconductcomplaints@copeland.gov.uk

A complaint can be made if one or more members of the public think actions or lack of action or the standard of one of our services provided by the Council or an acting body for the Parish Council is dissatisfactory.

The following are excluded from this procedure:

- **Financial irregularity.**

Complaints about financial irregularity should be referred to the council's auditors their name and address can be obtained from the clerk.

- **Criminal activity.**

Criminal activity should be referred to the police.

- **Members' Conduct.**

Should be referred to the Monitoring officer as detailed above.

- **Employee Conduct.**

This will be subject to the Council's Internal disciplinary procedure. The Council's only employee is the Clerk so the complaint should be made in writing to the Chair of the Council.

Informal Complaint

All complaints will be deemed as informal unless a written complaint states that it is formal.

An informal complaint can be made by phone, email, in person, or in writing to the Clerk. If the complaint regards the Clerk, then it is advised to write to the Chair of the council. The Clerk or Chair should inform the rest of the council of an informal complaint.

Formal Complaint

The Complainant should put their formal complaint in writing to the Clerk. If the complainant does not wish to put it to the Clerk, they should send it to the Chair of the Council by mail or email.

The complaint must contain the following:

- Name, address, email address (if applicable) and telephone number of the complainant.
- Details of the complaint.
- How the issue has affected the complainant.
- Copies of any evidence relating to the complaint or photographic evidence.
- Details of any third-party involvement.
- What action the Complainant thinks would solve the matter.

The Clerk or Chair should respond that they have received the complaint within five working days. Where the complaint fails to include the information required or it is considered to be vexatious, the Clerk will consult with the Chair and the complaint may be rejected. This decision will be final and the response to the Complainant will explain the reason for rejection.

The Clerk or Chair will inform the Complainant when the matter will be considered. The Council will normally be represented by its two or three person Complaints Committee drawn from its councillors, although an independent person may also be invited as an advisor.

The Council seeks to handle complaints within 12 weeks though some flexibility may be required to deal with lengthier and more complex complaints, or due to available resource. If the handling of the complaint is going to be delayed then the Clerk will keep the complainant informed.

The complaint may be addressed in writing or the Complainant may be invited to attend a formal meeting in which case they will be advised that they can bring a representative with them. Any documents not already supplied by the Complainant must be sent seven clear working days before the meeting, or a given date if it's being addressed in writing. The Council should provide the Complainant with copies of any documents which they wish to refer to within the same timescale. The Committee should have access to all documents. Documents supplied after that time will not be admissible as part of the evidence.

The Meeting

The Complaints Committee will consider if the press and public need to be excluded.

The Complaints Committee's nominated Chair should introduce everyone and explain the Council's procedure.

The Complainant should outline their grounds for complaint with no interruptions, then afterward the Clerk and Committee can ask their questions regarding the complaint.

The Clerk will then present the Council's position relating to the complaint. The complainant should not interrupt. The complainant and committee can then ask questions when the Clerk has finished.

The Complainant (and any representative) will be asked to leave the room while members of the Committee decide whether the complaint is to be upheld and if any further action needs to be taken. Both parties will be asked to return and will be informed of the Committee's decision. If a decision can't be made on the day the complainant should be told when a decision is likely to be made.

Council Decision

The decision should be confirmed in writing within seven days, with details of any action that will be taken.

Any decision on the complaint should be announced at the next full council meeting, in public. If that's not appropriate (maybe due to a confidential matter) it should still be noted in the minutes.

The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.