



LOGGERHEADS PARISH COUNCIL
Loggerheads Community Fire Station
Market Drayton Road, Loggerheads, Shropshire, TF9 4EZ
Telephone: 01630 673426
Email: loggerheadspc@btconnect.com
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COMPLAINTS PROCEDURE

Introduction

Councillors are unpaid volunteers acting to serve the community as the first tier of local government.

Every Councillor is required to adhere to the Code of Conduct, and act in an honest and democratic way.

Loggerheads Parish Council aims to provide good quality services on every occasion but sometimes things can go wrong. The purpose of the complaint procedure is to find out what went wrong and try to put things right for the future. If you are dissatisfied with the standard of service, the actions or lack of action by the Council, the Councillors, its employees or anyone providing services on behalf of the Council, we would like you to let us know so that we can put things right.

When a complaint is made against the Parish Council, Councillor(s) and/or staff of this Council may be mentioned or complained about. A complaint against the Council will be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.

A complaint against the Council that involves a complaint about the conduct of its employees will be handled in accordance with this complaints procedure. If following the outcome of the complaint, the Council decides there may be a need to take disciplinary action; this will be in accordance with the disciplinary procedure.

This complaints procedure does NOT apply to complaints by one council employee against another council employee or between a council employee and the council as employer. These matters are dealt with under the Council's disciplinary procedure.

Who to complain to

If you have a complaint against Loggerheads Parish Council or a Councillor (s) you should write to:	The Clerk (by email at loggerheadspc@btconnect.com or by post to Loggerheads Parish Council, Loggerheads Fire Station, Market Drayton Road, Loggerheads, Shropshire TF9 4EZ
If you have a complaint against an employee of the Parish Council you should write to:	The Chair at Loggerheads Parish Council, Loggerheads Fire Station, Market Drayton Road, Loggerheads, Shropshire TF9 4EZ

Informal complaint – Stage 1

Anyone not satisfied with the Council may communicate this in writing or verbally to the Clerk. It is generally in the interests of the complainant and the Council to try to resolve the matter informally through the normal channels of communication. If an informal resolution is not achieved then the following procedure will apply.

Formal Complaint – Stage 2

1. All formal complaints that have not been resolved informally must be communicated in writing to the Clerk (or Chair for complaints against the Clerk) and must include the following:
 - The nature of the complaint in detail
 - The subject of the complaint (e.g. Council, Councillor, Clerk, contractor)
 - The remedy sought
2. To ensure compliance with the Councils obligations under the Data Protection Act 1998 the Council cannot disclose the identity, contact details or other personal details about an individual complainant unless he consents or disclosure is otherwise fair and lawful under the 1998 Act, e.g. for the purpose or third party.
3. If a complainant has threatened to take legal action against the Council or legal proceedings have already begun the Council will seek legal advice on how to respond to the complaint.
4. The Clerk will acknowledge receipt of the complaint within 21 working days, inform the complainant of the procedure to be followed, check if the complaint will be treated as confidential and provide an estimated timeframe for determining the complaint.

5. In all cases the Clerk will send a copy of the complaint to the Chairman (or the Vice-Chair if the complaint is against the Chairman).
6. The Clerk will investigate the facts of the complaint and collate relevant evidence. The timescale will be subject to the complexity of the complaint but will aim to be within 21 working days of receipt of the complaint.
7. The Chairman (or Vice Chairman, if the complaint is against the Chairman) in consultation with the Clerk, will contact the complainant, within 21 working days of receipt, in an effort to resolve the complaint without the need to call a Standards Committee.
8. If a resolution cannot be reached by the above means, the complainant will be informed that a meeting of the Standards Committee will be called. He will be asked if he wishes to make verbal representations to the Committee, with the understanding that the procedure below will apply, or use written representations.
9. A meeting of the Standards Committee will take place on a date and time and at a place to be determined by the Chairman, in consultation with the Clerk. The quorum for a meeting will be three members of the Standards Committee who are not subject to the complaint.
10. If the complainant wishes to make verbal representations he will be invited to attend in person and may be accompanied by a friend. The Clerk, Chair, Vice Chair or a nominated Councillor will represent the Council, dependant on who the complaint is against. If the complaint is against a councillor(s) they will be invited.
11. A complaint against the Council is personal to the complainant and should be treated as confidential unless the complainant confirms that he waives his right to confidentiality. A meeting of the Standards Committee considering the complaint or inviting the complainant to make representations will need to exclude the public and press. This does not preclude the Committee from inviting the complainant to speak at a meeting or requesting the attendance of the Clerk to represent the position of the Council.
12. Five working days before the meeting of the Standards Committee the Clerk will provide members of the Standards Committee and the complainant and the subject of the complaint with the complainant's case, the subject's response (if provided in writing) and any evidence or information that has been collated that is relevant to the complaint (e.g. statements from Councillors or members of the public, minutes of meetings).

13. Where the complaint is heard in person rather than by written representations the following procedure will apply at the Standards Committee meeting:

- The Chairman of the meeting will explain how the meeting will proceed.
- The Chairman will invite the complainant to outline the grounds for the complaint.
- The Chairman will invite the subject of the complaint to outline their response to the complaint.
- The Chairman will invite the Clerk to state the Council's position and response to the complaint (unless the complaint is about the Clerk then a councillor will be nominated to undertake this role).
- The members of the Standards Committee will be allowed to question the complainant and the Clerk and the subject of the complaint.
- The complainant will be invited to sum up.
- The subject of the complaint will be invited to sum up.
- The Clerk will be invited to sum up.
- The complainant and the subject and the Clerk will withdraw.
- The Standards Committee will consider the evidence and come to a decision in respect of the complaint.
- Where the complaint is upheld in full or in part the Standards Committee will agree a remedy to the complaint.
- The complainant and the Clerk and subject of complaint will be invited back into the meeting and advised of the decision.
 - Within 5 working days of the meeting the Clerk or Chair will write to the complainant and subject of the complaint to confirm whether or not it has upheld the complaint, with reasons for the decision and details of any action to be taken by the Council.

14. Where the complaint is dealt with by written representations the following will apply at the Standards Committee meeting:

- The Chairman of the meeting will explain how the meeting will proceed.
- The Chairman will invite the Clerk to state in full the details of the complaint and the Council's position and response to the complaint.
- The members of the Standards Committee will be allowed to question the Clerk.
- The Standards Committee will consider the evidence and come to a decision in respect of the complaint.
- Where the complaint is upheld in full or in part the Standards Committee will agree a remedy to the complaint.
- The Clerk will be instructed to write to the complainant and the subject of the complaint (and anyone else if required) with the Committee's decision.

15. Where the subject of the complaint wishes to attend the Standards Committee to give verbal evidence rather than written representation the following procedure will apply:

- The Chairman of the meeting will explain how the meeting will proceed.
- The Chairman will invite the Clerk to state in full the details of the complaint.
- The Chairman will invite the subject of the complaint to outline their response to the complaint.
- The Chairman will invite the Clerk to state the Council's position and response to the complaint (unless the complaint is about the Clerk then a councillor will be nominated to undertake this role).
- The members of the Standards Committee will be allowed to question the Clerk and the subject of the complaint.
- The subject of the complaint will be invited to sum up.
- The Clerk will be invited to sum up.
- The subject and the Clerk will withdraw.
- The Standards Committee will consider the evidence and come to a decision in respect of the complaint.
- Where the complaint is upheld in full or in part the Standards Committee will agree a remedy to the complaint.
- The Clerk and subject of complaint will be invited back into the meeting and advised of the decision.
 - Within 5 working days of the meeting the Clerk or Chair will write to the complainant and subject of the complaint to confirm whether or not it has upheld the complaint, with reasons for the decision and details of any action to be taken by the Council.

15. The Standards Committee shall forward details of any complaint and the manner in which it has been dealt with, via the Clerk, for report to the next meeting of the Parish Council.

16. The Standards Committee shall, at its absolute discretion, deal with any matters not specifically covered by the procedure, but relevant to its role.