

# Penybont & Llandegley Community Council

## Complaints Handling Procedure

### Introduction

From time-to-time members of the public may have complaints about the administration, procedures or conduct of Councillors or of the staff of Penybont & Llandegley Community Council.

Local councils are subject to the jurisdiction of the Public Services Ombudsman, however a local solution should be sought before making such an approach and this policy sets out the way this is to be done.

Complaints against the Community Clerk or staff are to be dealt with via the Chairman or Personnel Committee via employment legislation **(Please refer to Disciplinary & Grievance Policies.)**

Complaints by a Councillor towards another Councillor shall be included in the Complaints procedure.

Complaints may also be submitted to the Public Services Ombudsman, where, there is perceived to be a breach of Penybont & Llandegley Community Council Code of Conduct for members – which equates to the Model Code of Conduct Order 2001 re the Local Government Act 2000 Part III, particularly the sections dealing with Prejudicial Interest.

Other than that, it is recommended for transparency in local government and for the benefit of good local administration that councils should adopt a standard formal procedure for considering complaints: either made by complainants directly or referred back to the council from other bodies to whom they have been made.

The Code of Practice set out below is based on a recommended model, as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

Councils have been urged to do their utmost to settle complaints and satisfy complainants in the interest of the good reputation of the council. The Council should try and resolve any complaint at local level.

The Community Clerk will make available the complaint (which must be given in writing) to the Chairman and/or Vice Chairman and inform any members affected.

Penybont & Llandegley Community Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

### **1. Complaints Against a Chairman Procedure**

- 1.1 Where the Town Clerk to the Council receives a written complaint about the Chairman's actions, he/she shall immediately refer the complaint to the Vice Chairman.

- 1.2 If a complainant indicates that he/she would prefer not to put the complaint to the Town Clerk of the Council then he/she should be advised to put it to the Vice Chairman of Council.
- 1.3 Any complaint will be acknowledged within 7 working days, excluding times of annual leave or sickness. The Chair shall be notified of the complaint and its content.
- 1.4 The Clerk/Vice Chairman will endeavour to resolve all complaints within one calendar month, unless extenuating circumstances exist.
- 1.5 Where appropriate, complaints will be brought to the attention of the Full Council
- 1.6 All complaints will be dealt with in private session except where the law does not permit it. In the event of serial abusive, persistent, vexatious or frivolous complaints from a member of the public the council shall consider taking legal advice.
- 1.7 The complaint before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. This procedure will take place with regard to minor matters at council and more serious matters via a Panel appointed by the Council to report back to Council with recommendations.
- 1.8 The Clerk/Vice Chairman will report the outcome of any complaint to Full Council
- 1.9 As soon as may be after the decision has been made, it, and the nature of any action to be taken shall be communicated in writing to the complainant by the Community Clerk.
- 1.10 If the complainant is dissatisfied with the response received, the Clerk/Vice Chair will provide them details of the Public Services Ombudsman - <https://www.ombudsman.wales/>
- 1.11 At all stages of a complaint about the Council or its Members the Town Clerk shall seek advice from the Monitoring Officer of Powys County Council.

## **2. Complaints Against a Member**

- 2.1 Where the Community Clerk to the Council receives a written complaint about a member's actions, he/she shall immediately refer the complaint to the Chairman.
- 2.2 Any complaint will be acknowledged within 7 working days, excluding times of annual leave or sickness. The member shall be notified of the complaint and its content.
- 2.3 The Clerk/Chairman will endeavour to resolve all complaints within one calendar month, unless extenuating circumstances exist.

- 2.4 Where appropriate, complaints will be brought to the attention of the Full Council
- 2.5 All complaints will be dealt with in private session except where the law does not permit it. In the event of serial abusive, persistent, vexatious or frivolous complaints from a member of the public the council shall consider taking legal advice. (Please refer to Abusive, Persistent, Vexatious or Frivolous Complaints Policy.)
- 2.6 The complaint before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. This procedure will take place with regard to minor matters at Council and more serious matters via a Panel appointed by the Council to report back to Council with recommendations.
- 2.7 The Clerk/Chairman will report the outcome of any complaint to Full Council.
- 2.8 As soon as may be after the decision has been made, it, and the nature of any action to be taken shall be communicated in writing to the complainant by the Town Clerk.
- 2.9 If the complainant is dissatisfied with the response received, the Clerk/Chairman will provide them details of the Public Services Ombudsman - <https://www.ombudsman.wales/>

### **3. Complaints Against the Council (as a Corporate Body)**

- 3.1 If a complaint about procedures or administration or conduct is notified orally to a Councillor or the Community Clerk of the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Community Clerk
- 3.2 If a complainant indicates that he/she would prefer not to put the complaint to the Community Clerk of the Council then he/she should be advised to put it to the Chairman of Council.
- 3.3 Where the Community Clerk to the Council receives a written complaint about the actions, of the Council as a Corporate Body he/she shall immediately refer the complaint to the Chairman.
- 3.4 Any complaint will be acknowledged within 7 working days, excluding times of annual leave or sickness.
- 3.5 The Clerk/Chairman will endeavour to resolve all complaints within one calendar month, unless extenuating circumstances exist.
- 3.6 All complaints will be brought to the attention of the Full Council at the first available meeting.

- 3.7 All complaints will be dealt with in private session except where the law does not permit it. In the event of serial abusive, persistent, vexatious or frivolous complaints from a member of the public the council shall consider taking legal advice.
- 3.8 The complaint before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. This procedure will take place with regard to minor matters at Council and more serious matters via a Panel appointed by the Council to report back to Council with recommendations.
- 3.9 As soon as may be after the decision has been made, any action to be taken shall be communicated in writing to the complainant by the Community Clerk.
- 3.10 The Clerk/Chairman will report the outcome of any complaint to Full Council
- 3.11 If the complainant is dissatisfied with the response received, the Clerk/Chairman will provide them details of the Public Services Ombudsman - <https://www.ombudsman.wales/>
- 3.12 At all stages of a complaint about the Council or its Members the Town Clerk shall seek advice from the Monitoring Officer of the County Council.

#### **4. Complaints Against an Employee**

- 4.1 If a complaint about procedures or administration or conduct is notified orally to a Councillor or the Community Clerk of the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Community Clerk.
- 4.2 If a complainant indicates that he/she would prefer not to put the complaint to the Community Clerk of the Council then he/she should be advised to put it to the Chairman of Council.
- 4.3 Where the Community Clerk to the Council receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Chairman who will then refer this to the Personnel Committee.
- 4.4 Any complaint will be acknowledged within 7 working days, excluding times of annual leave or sickness. The employee shall be notified of the complaint and its content.
- 4.5 Any complaint dating back more than 6 months will not be considered unless extenuating circumstances apply.
- 4.6 The Chairman/Personnel Committee will endeavour to resolve all complaints within one calendar month, unless extenuating circumstances exist.
- 4.7 All complaints will be brought to the attention of the Full Council at the first available meeting.

- 4.8 All complaints will be dealt with in private session except where the law does not permit it. In the event of serial facetious, vexatious or malicious complaints from a member of the public the council shall consider taking legal advice.
- 4.9 The complaint before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. This procedure will take place with regard to minor matters at Council and more serious matters via a Panel appointed by the Council to report back to Council with recommendations.
- 4.10 As soon as may be after the decision has been made, it, and the nature of any action to be taken shall be communicated in writing to the complainant by the Chairman
- 4.11 The Chairman will report the outcome of any complaint to Full Council.
- 4.12 If the complainant is dissatisfied with the response received, the Chairman will refer the matter back to the Personnel Committee and subsequently Full Council.
- 4.13 The employee has the right to go to the Staffing Appeals Committee if he/she is not satisfied with the decision of the Personnel Committee. The outcome of this will be presented to full Council.
- 4.14 The decision of the Full Council following the above procedure is final.

Draft Completed	11.06.21
Adopted by Full Council	14.07.21
Adopted	14.07.21