

Pennington Parish Council

Complaints/ Appeals Procedure

Revised and re-adopted at the full council meeting on 09/10/2023

New revision date October 2024



Introduction

Pennington Parish Council is committed to providing a quality service to our residents. Our preference is to deal with any complaints amicably and orally, directly with you. If you have a complaint please contact our Clerk or, if the matter concerns our Clerk, our Chairman. The Clerk (or Chairman) will try to resolve the matter directly with you in a timely manner (wherever possible within 20 working days). However, should it not be possible to resolve your complaint informally then we will follow the complaints procedures shown below.

Complaints about Procedures, Services, Administration or the conduct of the Clerk

Receipt of Complaint

1. The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by a committee established for the purposes of hearing the complaint. The complainant should also be advised whether the complaint will be treated as confidential.
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. The Council may, at their discretion invite representatives from external supporting bodies.
6. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

7. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
8. The Chairman should introduce everyone and explain the procedure.
9. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii), members.

10. The Clerk will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.
11. The Clerk and then the complainant should be offered the opportunity to summarise their position.
12. The Clerk and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
13. The Clerk and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

14. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Complaints about individual councillors

If a member of the public believes that a councillor is in breach of the council's Code of Conduct a complaint may be lodged with the Monitoring Officer at South Lakeland District Council.

Complaints about the council's financial affairs

If a member of the public wishes to raise a complaint regarding the Council's finances it should be lodged with the Audit Commission.

Complaints under the Freedom of Information Act

Complaints about not releasing information under the Freedom of Information Act 2000 can be referred to the Information Commissioner.

Unreasonable, Habitual 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 Parish Clerk with a summary of the issues and of the attempts made to resolve the complaint.

The council 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.

There may be circumstances where the Parish Council is required to implement the Vexatious Complaints Policy.

Anonymous Complaints

Anonymous complaints will be disregarded

Appeals Procedure

Under the council's Complaints Procedure - Appeals against Decisions Taken

1. If a complainant appeals against the decision taken, they should appeal in writing, stating the full grounds of appeal, to the Clerk to the council within one week of the date on which they were informed in writing of the decision.
2. If the Parish Council agrees to hear the appeal, the council's Proper Officer will give written notice of the date, time and place of the appeal.
3. Where possible the appeal will be conducted by Councillors who were not previously involved in the case.
4. Following the appeal the council's Proper Officer will confirm, in writing and within seven days, the outcome of the appeal.

At the Appeal:

1. Confirmation should be given that the appeal is a result of the decision of a complaint which had been previously heard by the Parish Council.
2. The Clerk will confirm the documentation provided, identifying, if appropriate, any other documentation the council has at its disposal for reference purposes, or any additional information supplied by the complainant.
3. The council will consider the grounds of the appeal to determine whether the decision taken was fair and the correct outcome was achieved, by reviewing all the evidence submitted, reviewing any new facts and judge reasonableness of procedure to date.
4. The council will consider the case and make a decision (Grounds for appeal: upheld, rejected, or require a full or partial rehearing).

After the Appeal:

1. If procedures were correctly handled by the council then the appellant must be notified that the appeal has not been successful.
2. If the complaint was not handled correctly it must be referred back for consideration by the council.
3. Appellant to be notified that the decision is authorised by the Parish Council and is final.