

MARKET BOSWORTH PARISH COUNCIL



Complaints Procedure

1 Introduction

It is recommended for transparency in local government and for the benefit of good administration that Parish Councils should adopt a standard procedure for considering complaints. As such, this Complaints Procedure is adopted by Market Bosworth Parish Council, hereinafter referred to as “the Council”. The Complaints Procedure concerns both informal and formal complaints.

A complaint is an expression of dissatisfaction about the Council as a body corporate, an individual Councillor or the Clerk, or about the standard of a service, whether the action was taken, or the service provided by the Council itself or a contractor acting on behalf of the Council. A complaint may be triggered by an allegation of administrative fault such as not following procedures or standing orders, an inadequate service, no service, delay or the making of a mistake.

The Council will do its utmost to settle complaints and satisfy complainants that any grievance has been properly and fully considered in the interest of the good reputation of the Council. The Council will bear in mind the provisions of all current legislation but particularly the Data Protection Act 1998, Data Protection Act 2018, the Freedom of Information Act 2000 and the Nolan Principles in respect of Councillor behaviour when dealing with complaints.

In the event of seemingly facetious, vexatious or malicious complaints, the Council’s Vexatious Correspondent and Vexatious Complaints policies may apply and the Council may consider taking legal advice.

2 Complaints outside of this Procedure

The following complaints are excluded from this Complaints Procedure:

- a. Alleged financial irregularity: should be referred to the Council’s auditor whose name and address can be obtained from the Clerk (local electors have a statutory right to object to a Council’s audit of accounts under S27(1) of the Local Audit and Accountability Act 2014).
- b. Alleged criminal activity: should be referred to the Police.
- c. Services offered or provided by an authority other than the Parish Council (for example, Hinckley & Bosworth Borough Council or Leicestershire County Council): we will let you know if this is the case and will provide you with the contact details of these authorities.

- d. Member conduct and alleged breach of the Code of Conduct: should be referred to the Monitoring Officer at Hinckley & Bosworth Borough Council at the following address: Hinckley & Bosworth Borough Council, Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR.
- e. Employee conduct: will be acknowledged and dealt with internally by the Council.

3 Complainants

Complainants can be members of the public, organisations, contractors, Councillors or employees. The Council's Complaints Procedure is not a means of redress for its members or staff.

Complaints can be raised informally at any time by telephone, writing or emailing the office at the following address:

Market Bosworth Parish Council, Parish Council Office, Park Street, Market Bosworth, Leicestershire, CV13 0LL. Telephone 01455 291867. Website: www.marketbosworth-pc.gov.uk
Email: clerk@marketbosworth-pc.gov.uk.

The Council will always try to resolve a complaint promptly, firstly by informal discussion usually via the Clerk. If this is not successful, a formal complaint may be made and the 'formal complaints procedure' (item 4 below) will be instigated.

Complaints sent by email or in writing will be acknowledged within 10 working days except in exceptional circumstances. The Council will always try to resolve an informal complaint promptly, but at any time a response will be issued within seven days following the next publicised Parish Council Meeting following receipt of the complaint. This response may or may not be the final response.

Members of the public can also ask questions and raise matters of concern informally under item 'public participation' at Parish Council Meetings. Questions and matters of concern raised under item 'public participation' may be carried forward to the subsequent Parish Council Meeting for discussion to enable an informed response.

4 Formal Complaints Procedure

- a. The Council will comply with its obligations under the Data Protection Act 2018 to safeguard against the unlawful disclosure of personal data. Complainants will not be identified in the Minutes of Parish Council Meetings unless they confirm that they wish their name to be recorded and the nature of their complaint to be made public.
- b. All formal complaints against the Council must be communicated in writing to the Clerk or, if the matter relates to the Clerk, to the Chair of the Council. The Council will NOT accept anonymous complaints. The letter must state that a formal complaint is being lodged.
- c. Complainants must supply their name, address and telephone number, give full details of their complaint at the outset, and declare whether they wish their complaint to be dealt with confidentially. Complainants should demonstrate how the issue raised has affected them.

- d. Receipt of a formal complaint will be acknowledged in writing. Depending on the nature of the complaint, the Clerk, Chair or a Councillor will investigate the complaint as nominated investigator, obtaining further information as necessary from the complainant or other parties. If necessary, the assistance of a professional or a professional body may be sought who will be provided with all details of the complaint (except personal details of the complainant unless previously agreed).
- e. Representatives of complainants must provide written confirmation that they are authorised to act on behalf of the complainant.
- f. A report on the investigation into the complaint will be presented to full Council under item 'Closed Session'. The Council will consider the complaint and provide a written answer to the complainant. The Council will explain either how they propose to address the complaint, or if they think there is no complaint to pursue.
- g. If the complainant believes the matter has not been fully resolved, they must explain in writing why they believe this to be the case and why the matter should be further investigated.
- h. The complainant will then be invited to attend a Parish Council Meeting to discuss their complaint.
 - i. The complainant will be notified of the date of the meeting.
 - ii. Any comments, evidence and supporting documentation shall be copied to the Council and vice versa at least seven clear days before the Meeting.
 - iii. The matter will be considered under item 'Closed Session' and the complainant will be invited to make representations. The complainant may be accompanied by a representative.
 - iv. The complainant will be asked to outline the grounds for complaint and may then be questioned, first by the nominated investigator, then by Councillors.
 - v. The nominated investigator will explain the Council's position and may then be questioned, first by the complainant, then by Councillors.
 - vi. Both the complainant and the nominated investigator will then have opportunity to summarise their respective positions.
 - vii. The complainant and nominated investigator will be asked to leave the room while the Council considered the complaint in private for a maximum of 15 minutes. If clarification is required, both parties will be invited back into the room.
 - viii. When a decision has been reached by full Council, both parties will be invited to re-join the meeting to hear the Council's decision. If a decision is deferred, both parties will be advised of the reason and the complainant will be advised when a decision is likely to be made and when it is likely to be communicated to them.
- i. The Council's decision as to whether or not it has upheld the complaint will be confirmed in writing, including, where appropriate, reasons for the decision and actions taken or to be taken. The Council's decision is final and binding.
- j. If a complainant has threatened to take legal action against the Council, the Council will seek professional legal advice about how to respond.

Approved by the Parish Council at its Meeting held on 9 January 2024, Minute reference 7b.