

# WORCESTERSHIRE COUNTY ASSOCIATION OF LOCAL COUNCILS



## Good Practice Guide:

### CALC MODEL COMPLAINTS PROCEDURE

July 2019

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### Introduction

1. Amongst the complaints which members of the public make about local councils are complaints about administration or procedures. It is in the particular interest of the council concerned to settle a complaint because, even if it is not justified, it will in the absence of any settlement be raised again. This is bad for the council since it wastes its time and affects its good reputation. It is also of general concern to all councils that complaints should be settled as soon as possible. Experience suggests that in many cases a complaint will not be pursued further if the complainant sees that it has been properly handled.
2. Councils are urged to do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the council. If a complaint is not settled by the council a complainant may try to enlist the services of other bodies and provoke considerable expenditure of time and resources.
3. As local councils are not subject to the jurisdiction of the Local Government Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment regarding matters of administration and procedures. Therefore, every duly made complaint should be dealt with according to this procedure however trivial it might appear to be at first sight.
4. For the benefit of good local administration, local councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the council from other bodies to which they have been made.
5. The receipt of a complaint is an opportunity for the council to look at its own administration and procedures, ensuring that the council is seen to act in an open, transparent and accountable way. Experience tells us that complainants may be the councillors of the future.
6. The following model procedure endeavours to ensure that complainants can feel satisfied that their grievance has been properly and fully considered.

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#### Model Complaints Procedure

1. The following procedure will be adopted for dealing with complaints about the council's administration or its procedures. Complaints about a policy decision made by the council will be referred back to the council, or relevant committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a member of the parish/town council. If there is a complaint about the conduct of a member of the council this should be referred to the principle council's monitoring officer.
3. If a complaint about procedures, administration or the actions of any of the council's employees is notified orally to a councillor, or to the clerk to the council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
4. The complainant will be asked to put the complaint in writing to the clerk to the council. The clerk will acknowledge receipt and specify the date by which it will be dealt with. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the clerk to the council (because the matter relates to the clerk, for example,) he or she should be advised to write to the chairman.
6. (a) On receipt of a written complaint, the clerk (except where the complaint is about his or her own actions) or chairman (if the complaint relates to the clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.  
  
(b) Where the clerk to the council or a councillor receives a written complaint about the clerk's actions, he or she shall refer the complaint to the chairman of the council. The clerk to the council will be formally advised of the matter and given an opportunity to comment.
7. The clerk or chairman will report any complaint disposed of by direct action with the complainant to the next meeting of the council.
8. The clerk or chairman will report any complaint that has not been resolved to the next meeting of the council. The clerk will notify the complainant of the date on which the

Supporting and Informing Local Councils

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complaint will be considered, and the complainant will be offered an opportunity to explain the complaint to the council in person.

9. Matters relating to grievance or disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the council's grievance and disciplinary procedures.
10. The council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the council meeting in public. The council must bear in mind the necessity to maintain confidentiality if it has been requested, and to comply with the requirements of Data Protection legislation regarding personal information.
11. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
12. The council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received.