

Complaints Procedure

Little Longstone Parish Meeting

Version 0.9 — Adopted at the assembly held on [DATE]

Purpose of this procedure

This procedure sets out how Little Longstone Parish Meeting will handle complaints about its administration, procedures, or the actions of those acting on its behalf. It is adopted under Standing Order 13 and in accordance with the parish meeting's commitment to the Nolan Principles of public life, in particular the principles of openness and accountability.

1. Scope: what this procedure covers

- 1.1. This procedure covers complaints about: (a) the administration or procedures of the parish meeting; (b) the actions or conduct of the Clerk; and (c) the actions or conduct of the Chair or any elector acting in an official capacity on behalf of the parish meeting.
- 1.2. A complaint about a decision of the assembly — as opposed to the process by which the decision was made — will be referred back to the assembly for consideration. The assembly may reconsider any of its decisions in accordance with Standing Order 6.
- 1.3. This procedure does not cover:
 - (a) Freedom of information or environmental information requests, which are subject to the statutory FOI and EIR frameworks;
 - (b) Data protection complaints, which are subject to the parish meeting's data protection policy and, where appropriate, the Information Commissioner's Office;
 - (c) Complaints about the conduct of a person present at an assembly, which are managed by the Chair under the disorderly conduct provisions of Standing Order 2;
 - (d) Employment or engagement disputes involving the Clerk, which are subject to separate disciplinary or grievance arrangements as applicable; and
 - (e) Complaints directed primarily at another body, such as Derbyshire Dales District Council or the Peak District National Park Authority, which should be made directly to that body. Where such a complaint also raises a question about the parish meeting's own administration, the Clerk will consider whether any element of it falls within this procedure.
- 1.4. Note on the constitutional position of a parish meeting: a parish meeting is not subject to the statutory code of conduct framework that applies to parish councils under the Localism Act 2011, and the Local Government and Social Care Ombudsman's jurisdiction does not generally extend to parish meetings in the same way as to principal authorities. Complainants who are dissatisfied with the outcome of this procedure may seek independent legal advice or contact Derbyshire Dales District Council, which has certain oversight responsibilities in relation to parish meetings in its area.

2. How to make a complaint

- 2.1. Any person — whether or not a local government elector for the parish — may make a complaint about the matters described in paragraph 1.1 above.
- 2.2. Complaints should be made in writing and addressed to:
 - The Clerk, at clerk@littlelongstoneparishmeeting.gov.uk — for complaints about the administration, procedures, or actions of the Chair or any elector acting in an official capacity; or
 - The Chair — for complaints about the conduct or actions of the Clerk. The Chair's contact details are available from the Clerk or on the parish meeting's website.
- 2.3. If a complaint is made orally — for example, at an assembly or by telephone — the Clerk or Chair who receives it shall make a written record of the complainant's name, contact details, and the nature of the complaint. The complainant will be asked to confirm their complaint in writing. Refusal to put the complaint in writing does not necessarily prevent it from being investigated, but a written complaint is easier to deal with and ensures accuracy.
- 2.4. A complaint should set out clearly: (a) the nature of the complaint; (b) what happened; (c) when it happened; and (d) what the complainant would like the parish meeting to do in response.
- 2.5. Complaints should be made as soon as possible after the matter giving rise to the complaint. The parish meeting may decline to investigate a complaint that is made more than twelve months after the events complained of, unless there are good reasons for the delay.

3. Acknowledgement

- 3.1. On receipt of a written complaint, the Clerk (or Chair, if the complaint concerns the Clerk) will acknowledge receipt in writing within ten working days.
- 3.2. The acknowledgement will confirm: (a) that the complaint has been received; (b) who will be handling it; and (c) the procedure that will be followed.
- 3.3. Before any investigation takes place, the person complained about will be notified of the complaint and given a reasonable opportunity to comment. No decision will be made about the complaint without first giving the person complained about the opportunity to respond.

4. Direct resolution

- 4.1. On receipt of a written complaint, the Clerk (except where the complaint concerns their own actions) or the Chair (where the complaint concerns the Clerk) will first seek to resolve the complaint directly with the complainant. This direct resolution stage should take no longer than twenty-one days from the date of receipt of the written complaint.
- 4.2. Where a complaint is resolved directly, the Clerk or Chair will report the complaint and its resolution to the next ordinary assembly of the parish meeting. This report will be noted in the minutes.
- 4.3. Where the Clerk or any elector receives a written complaint about the Clerk's own actions, they shall refer it promptly to the Chair. The Clerk will be formally advised of the matter and given an opportunity to comment.

5. Referral to the assembly

- 5.1. Where a complaint has not been resolved by direct action within the period specified in paragraph 4.1, the Clerk (or Chair) will refer the complaint to the next ordinary assembly of the parish meeting. If the matter is urgent, the Chair may convene an extraordinary assembly for the purpose.
- 5.2. The Clerk will notify the complainant of the date on which the complaint will be considered. Where the complainant is a local government elector for the parish, they have the right to be present at the assembly and to speak on the complaint in the same way as any other elector. Where the complainant is not a local government elector, they may be permitted to address the assembly during the public participation period at the Chair's discretion, subject to Standing Order 3(f).
- 5.3. The assembly will consider whether the circumstances of the complaint warrant the matter being discussed in the absence of the press and public. Any such resolution shall give reasons for the exclusion, in accordance with Standing Order 3(d). Any decision on the complaint will be announced in public.
- 5.4. A complainant who is a local government elector has a direct personal interest in the outcome of any decision on their complaint and shall declare that interest and withdraw from the vote on any resolution relating to their complaint, in accordance with Standing Order 13 and Standing Order 13(e). They may remain present during the discussion unless the assembly resolves to exclude the public in accordance with Standing Order 3(d).
- 5.5. The assembly may defer considering the complaint if it is of the opinion that further advice is necessary. The Clerk will seek the relevant advice and the complaint will be considered at the next assembly after the advice has been received. The complainant will be notified of the reason for the deferral.
- 5.6. Where a complaint relates to matters of legal compliance, the Clerk will seek advice from a solicitor, and may also seek guidance from the Derbyshire Association of Local Councils (DALC) on matters of local council procedure, before the complaint is considered by the assembly.

Note: DALC is a voluntary membership organisation that provides advice and support to local councils, clerks and parish meetings. It does not have a formal role in investigating or adjudicating complaints, but can advise the parish meeting on procedural matters.

6. The assembly's decision

- 6.1. The assembly will consider the complaint and reach a decision. The decision will be made in public and recorded in the minutes, together with the reasons for it.
- 6.2. The assembly may:
 - (a) uphold the complaint and take such action as it considers appropriate to address the matter, including issuing an apology, changing a procedure, or taking action in respect of those responsible;
 - (b) partially uphold the complaint;
 - (c) not uphold the complaint, with reasons; or
 - (d) refer the matter to a solicitor or seek further advice before reaching a decision.
- 6.3. The assembly may consider in the circumstances of any particular complaint whether to make a without-liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the parish meeting's maladministration. Any such payment may only be authorised by the assembly after obtaining legal advice and, where appropriate, advice from the internal auditor on the propriety of the payment.

- 6.4. As soon as practicable after the decision has been made, and in any event not later than ten days after the assembly, the complainant will be notified in writing of: (a) the decision; (b) the reasons for it; and (c) any action the parish meeting has decided to take.

7. Further steps

- 7.1. If the complainant is not satisfied with the outcome of this procedure, they may:
- (a) Contact Derbyshire Dales District Council (or any successor unitary authority), which has certain oversight responsibilities in relation to parish meetings in its area and may be able to advise on whether the matter falls within its remit;
 - (b) Seek independent legal advice; or
 - (c) Contact the Local Government and Social Care Ombudsman to establish whether the complaint falls within its jurisdiction, noting the caveat in paragraph 7.2.
- 7.2. The Local Government and Social Care Ombudsman's jurisdiction does not generally extend to parish meetings in the same way as to principal authorities. Complainants should check with the Ombudsman directly whether their complaint falls within its remit.
- 7.3. Local government electors for the parish of Little Longstone also have the right to exercise public inspection rights under the Accounts and Audit Regulations 2015 during the annual public rights period, and to raise objections to the accounts with the external auditor.

8. Recording and learning

- 8.1. The Clerk shall maintain a register of all complaints received, recording: the date of receipt; the nature of the complaint; how it was handled; and the outcome. This register shall be presented to the assembly annually as part of the review of this procedure.
- 8.2. The assembly shall review this procedure at least annually, and shall consider whether any complaints received during the year give rise to changes in the parish meeting's procedures or practices.
- 8.3. This procedure shall be published on the parish meeting's website (or displayed in a conspicuous place in the parish where no website is maintained) so that it is accessible to all members of the community.

Summary of the complaints process

Step 1	Complaint received orally or in writing by the Clerk or Chair.
Step 2	Clerk (or Chair if complaint concerns the Clerk) acknowledges receipt in writing within 10 working days.
Step 3	Person complained about is notified and given the opportunity to comment.
Step 4	Clerk (or Chair) attempts direct resolution within 21 days. If resolved, reports to next assembly.
Step 5	If unresolved, complaint reported to next ordinary assembly. Complainant notified of date and of their right or opportunity to speak.
Step 6	Assembly considers complaint (in private session if appropriate). Decision made and announced in public.
Step 7	Complainant notified in writing of decision within 10 days of assembly.

Resolution of Adoption

This Complaints Procedure was adopted by Little Longstone Parish Meeting at its assembly held on [DATE] and supersedes any previous complaints procedure of the parish meeting.

Signed: Chair

Date:

Clerk:

Date: