



UP HATHERLEY PARISH COUNCIL

Cheltenham, Gloucestershire

Clerk – Kathryn Oakey, 15 Holmer Crescent, Up Hatherley, Cheltenham, GL51 3LR

Chair – Sarah Bamford, The Woodbines, Sunnyfield Lane, Up Hatherley

UPHATHERLEY PARISH COUNCIL COMPLAINTS PROCEDURE

1. Aims and Objectives

- 1.1 UP HATHERLEY Parish Council is committed to providing a professional and efficient service to residents and anyone who deals with it, conducting its business in a fair, transparent, and equitable manner.
- 1.2 To achieve this, residents must be confident that an effective mechanism exists enabling them to challenge what they perceive as mismanagement or inadequate service delivery.
- 1.3 Where such concerns are raised, they will be taken seriously and investigated thoroughly, consistently and respectfully, ensuring that the complaint, not the complainant, is the issue during any procedure and decision making.
- 1.4 Resolution to complaints will be reached in a timely manner, enabling the Parish Council to recognise any failings, address them and improve.

2. Introduction

- 2.1 This procedure covers routine complaints and outlines the procedures which UP HATHERLEY Parish Council will follow on receipt of complaints in respect of its operations and services. Those complaints which can be described as habitual and vexatious (i.e. unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued) will be dealt with in accordance with the Parish Council's policy, to be found on the website, www.uphatherleyparish.co.uk
- 2.2 It is acknowledged that whilst this procedure has been devised to deal with most complaints, it may be necessary to adjust aspects of the procedure from time to time depending upon the particular nature of the complaint received. Where such adjustment is necessary, to ensure impartiality and fairness within the procedure, the complainant will be notified of the adjustment to be made and the rationale for it.
- 2.3 This document is based on the model framework for handling complaints as recommended by the National Association of Local Councils (NALC).
- 2.4 At all stages of the procedure, the complainant will be offered relevant and reasonable assistance and support to present their complaint.



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3. Definitions

- 3.1 The Local Government Ombudsman defines a complaint as: ‘An expression of dissatisfaction about the Council’s action or lack of action, or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.’
- 3.2 A complaint against the Parish Council may arise from the above reasons but may also be triggered by an allegation of administrative fault, e.g., failure to follow procedures, Standing Orders, inadequate or no service, delay, or making a mistake.
- 3.3 Where a complaint is made against the Parish Council, Councillors or Council employees may be mentioned or complained about. However, a complaint against the Parish Council should be regarded as a complaint against the corporate body of the Parish Council, and not as a complaint against its individual members or employees.
- 3.4 It may be necessary to notify the Parish Council’s Insurers of a complaint immediately. This may be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss, or where the Parish Council is at risk of being held liable in law to pay damages or to provide another legal remedy. In such cases, the Parish Council will take instruction from its insurers regarding how to respond to this type of complaint.

4. Complaints not covered by this procedure

- 4.1 Not all complaints can be dealt with under this procedure; some types should be directed to a more appropriate authority or dealt with through another procedure. These are: -

COMPLAINT TYPE	REFER TO
Alleged Financial Irregularity	Any complaint about financial irregularity should be referred to the Parish Council’s independent internal auditor, or to the External Auditor.
Alleged Criminal Activity	Any complaints concerning criminal activity must be directed to Gloucestershire Constabulary.
Alleged breach of Code of Conduct	A complaint about an individual Councillor must be referred to either the Monitoring Officer at Cheltenham Borough Council, or its standards Committee. The purpose of the Standards is to help maintain and promote high standards of conduct, assist elected and co-opted members of the Parish Council to observe the Code of Conduct



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	<p>and monitor the operation of the Code. The Committee is made up of 7 Borough Councillors and 2 Independent Persons who are coopted on to the Committee and do not have voting rights.</p> <p>The Standards Committee and its (Hearing) Sub-Committee can only deal with complaints about the behaviour of a Parish Councillor. It will not deal with complaints about things that are not covered by the Members’ Code of Conduct. For example, it will not look at complaints that are about employees of the Parish Council or incidents that happened before a Councillor was elected or co-opted.</p>
Alleged Employee Misconduct	Any employee conduct issues should be dealt with by the council’s internal Disciplinary Procedure
Failure to Release Information	A complaint that the Parish Council has not released information under the Freedom of Information Act 2000 in the manner that the person requesting it believes it should have done can be referred to the Information Commissioner. The Parish Council must give reasons for any decision and must inform the applicant if s/he has a right to complain to them about the handling of the request (e.g., through a complaints or other procedure and give details of the procedure), or state that there is no procedure, and of his/her right to complain to the Information Commissioner.

5. Confidentiality

- 5.1 In accordance with the advice of the Local Government and Social Care Ombudsman, the Parish Council will only disclose the identity of a complainant to those who need to consider the complaint. At all times, all parties should be treated fairly, and the process should be reasonable, accessible, and transparent.
- 5.2 All complaints shall be dealt with in confidence and with due regard to non-disclosure of exempt information and the Parish Council’s PRIVACY NOTICE on the parish website, www.uphatherleyparish.co.uk.
- 5.3 Anonymous complaints will not normally be investigated unless it is clearly in the public interest to do so. They will be considered by the Clerk and may be acted on at their discretion, according to the type and seriousness of the allegation and the information provided.



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- 5.4 The extent of the investigation required into an anonymous complaint will depend upon the seriousness and complexity of the allegations raised, and whether there is sufficient evidence available to proceed with an examination of the allegations.
- 5.5 Whilst a complainant or witness may request anonymity, it is an important principle of natural justice that where allegations are raised against an individual (Councillor or employee), those accused are given the right to refute the allegation. If there are issues of credibility (e.g. collusion or maliciousness) then those accused may be at a disadvantage if they do not know the identity of the accuser and are provided with a summary of the complaint.

6. Complaint Stages

6.1 Stage 1 – Informal complaints

- 6.1.1 In most circumstances, all complaints about the Parish Council's administration or procedures, however they are made, should be directed to the Clerk and not through individual Councillors, as they are not able to resolve them.
- 6.1.2 If, for some reason, a complainant prefers not to put their complaint to the Clerk, or their complaint is about the Clerk, they should direct their complaint to the Chair. In these circumstances, the Chair will substitute for the Clerk in managing the process at all stages of this procedure, administrative support being provided by the Assistant Clerk.
- 6.1.3 If a complaint is notified orally to a Councillor, or to the Clerk, a written record will be made, noting the name and contact details of the complainant and the nature of the complaint.
- 6.1.4 The Clerk, as the Proper Officer, will manage the complaint process, consider the complaint and offer a resolution, either verbally or in writing, within 10 days of receiving the complaint.
- 6.1.5 If the complainant is satisfied with the Clerk's resolution, the complaint is closed, and the Clerk will report summary details of the complaint and a brief summary of the accepted resolution to the next meeting of the Council.
- 6.1.6 If the complainant does not accept the Clerk's resolution, he/she must submit, in writing to the Clerk, the reasons for their dissatisfaction. The complaint will then progress to Stage 3 of the procedure.
- 6.1.7 Informal complaints which, on examination, are considered by the Clerk to be more serious in nature, will be dealt with at Stage 2 of the procedure.



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6.2 Stage 2 - Serious complaints

- 6.2.1 The complainant will be asked to put their complaint in writing (email or letter) to the Clerk. The Clerk will acknowledge receipt of the complaint within 5 working days and, as Proper Officer, will manage the process. Reluctance or unwillingness to put the complaint in writing will not necessarily mean that the complaint cannot be investigated but there is less room for confusion if a complaint is made in the complainant's own words.
- 6.2.2 The complainant should provide as much detail as possible and attach any relevant supporting documentation. The complainant should also indicate what resolution will ideally satisfy their complaint.
- 6.2.3 The Clerk will carry out an initial investigation into the complaint, taking guidance from the Chair if necessary. The Clerk will provide the complainant with a suggested resolution within 10 working days from receipt of the complaint.
- 6.2.4 If, on investigation, the Clerk considers the complaint cannot be resolved within 10 working days because, for example, further research or appropriate advice relating to regulations, etc., is required, the complainant will be notified, and advised of the date by which they will be notified of the resolution. Unless there are exceptional circumstances, an extension to the period within which the complaint will be resolved will not exceed 20 working days.
- 6.2.5 If the complainant is satisfied with the Clerk's resolution, the complaint is closed, and the Clerk will report summary details of the complaint and a brief summary of the accepted resolution to the next meeting of the Council.
- 6.2.6 If the complainant is not satisfied with the proposed resolution, they must notify the Clerk, in writing, within 5 working days of receipt of the resolution in order that the matter may be referred to the Parish Council's Complaints Committee where the procedure at Stage 3 (below) will be followed.

7. Stage 3 – Complaints Committee Meeting

- 7.1 This stage involves assembling a Complaints Committee comprised of 5 Councillors to deal with the complaint. Councillors assembled for the Committee must not be involved with the complaint.
- 7.2 The Complaints Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. Such advice will be considered, and the complaint dealt with at a further meeting after the advice has been received.



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7.3 Before the meeting

- 7.3.1 The Clerk will notify the complainant of the date on which the complaint will be considered by the Complaints Committee and provide them with a copy of this procedure.
- 7.3.2 The complainant will be invited to attend the Committee to present their complaint, and notified that they may be accompanied to the meeting by a representative if they wish.
- 7.3.3 The Clerk will advise the complainant when the matter will be considered by the Complaints Committee.
- 7.3.4 Not later than 5 clear working days before the meeting, the complainant and the Clerk (acting on behalf of the Complaints Committee) will exchange copies of any documentation or other evidence to be relied upon at the meeting. Any documentation or evidence submitted by either party within 5 clear working days of the meeting will not be considered.

7.4 At the meeting

- 7.4.1 The Chair will introduce everyone and explain the procedure to be used to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
- 7.4.2 A complaint against the Parish Council is personal to the complainant and will be treated as confidential. The Complaints Committee will therefore need to exclude the press and public.
- 7.4.3 The complainant (or representative) will be invited to outline the grounds for complaint before any questions from the Clerk, followed by members.
- 7.4.4 The Clerk will explain the Parish Council's position in relation to the complaint. Thereafter, (1) the complainant and (2) members may ask questions of the Clerk.
- 7.4.5 Once all relevant questions have been answered, both (1) the Clerk and (2) the complainant will be offered the opportunity to summarise their position.
- 7.4.6 The Clerk and the complainant will be asked to leave the room while the Committee decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both the complainant and The Clerk will be invited back into the room.
- 7.4.7 The Clerk and the complainant will be given the opportunity to wait for and hear the decision. If, however, the decision is unlikely to be finalised on that day, they will be advised when the decision is likely to be made and when it is expected to be communicated to them.



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7.5 After the meeting

- 7.5.1 The Clerk will confirm the Complaints Committee’s decision, together with the details of any action to be taken, to the complainant, in writing, no later than 10 working days after the meeting.
- 7.5.2 The decision of the Complaints Committee is final, and the complaints procedure is exhausted.
- 7.5.3 The Clerk will report summary details of the complaint and a brief summary of the outcome of the Complaints Committee meeting to the next meeting of the Parish Council.
- 7.5.4 The Clerk will add the details to the Parish Council’s ‘Complaints Recording System’. Any complaints received should also be reported to the Annual Meeting of the Parish Council (AGM).

8. Timeframes

- 8.1 All complaints dealt with by this procedure shall be dealt with as promptly as possible and within a 12-week timeframe for examination, investigation, resolution, and, where necessary, Stage 3 Complaints Committee meeting. If this timeframe cannot be met, the Clerk will inform the complainant as soon as possible, giving reasons for the delay and an indicative resolution date.

9. Publicity

- 9.1 This complaint procedure will be published on the Parish Council’s website. Additionally, any resident may contact the Clerk and request that a copy of the document be emailed or posted to them. Councillors have an important role to play in ensuring that residents are aware of what procedures exist to enable them to raise concerns.



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10. 10. Submitting a Complaint

10.1 All complaints should be forwarded, in the first instance, to the Clerk, as follows:

Telephone: 01242 527770 / 07403582472

Email: clerk@uhpc.org.uk

Letter: 15 Holmer Crescent, Up Hatherley, GL51 3LR

10.1.1 Contact details for the Chair or any other Parish Councillor can be found at, www.uphatherleyparish.co.uk

Approval Body: UP HATHERLEY Parish Council

Date Approved: 5th March 2024