

# Baginton Parish Council

## Complaints Policy

### Scope

The Parish Council will endeavour to respond to all complaints it receives. However, this policy refers to complaints about the administration of the Council, deviations or anomalies against policy, or the behaviour of its Staff or Councillors when acting as Members of the Parish Council.

This policy **does not cover** a complaint about a lawfully derived decision, resolution, recommendation or other matter reported by the Parish Council via due process.

Since the Parish Council has adopted Warwick District Council's Code of Conduct, the associated exemptions from Warwick District Council's complaints procedure also apply. The Parish Council will not normally refer a complaint for investigation where it falls within one or more of the following categories: -

- it is believed it to be malicious, relatively minor, or "tit-for-tat";
- it is the same as, or is substantially similar to, a complaint that has already been the subject of an investigation or inquiry and there is nothing further to be gained by any investigation;
- it concerns acts carried out in the Councillor's private life, when they are not carrying out the work of their Council or have not misused their position as a Councillor;
- it appears that the complaint is really about dissatisfaction with a Council decision; or
- there is not enough information available to justify a decision to refer the matter for investigation.

Similarly, if a complaint is received about traffic, noise, crime, nuisance or other matters outside Parish Council control, other routes are available to deal with these matters directly and this complaints policy will not apply. However, a response will be made in due course to all complaints or queries.

Parish Councils are not subject to the jurisdiction of the Local Government Ombudsman. However, complaints may be submitted to Warwick District Council if it is believed that there has been a breach of Baginton Parish Council's Code of Conduct for Members, particularly the sections dealing with disclosable pecuniary interests.

When dealing with complaints, Baginton Parish Council will comply with the provisions of prevailing Data Protection Legislation and Freedom of Information Legislation, with Privacy and Data Protection Legislation taking priority.

Baginton Parish Council will do its best to settle complaints promptly in the interest of the good reputation of the Council.

### Code of Practice for Handling Complaints

1. If a complaint is raised with a Councillor or the Clerk and they cannot satisfy the complainant fully at the time, the complainant will be asked to supply the complaint in writing in order to initiate an investigation.

2. Any written complaint received by a Councillor should be passed to the Clerk. If the complaint is about the behaviour of a specific Councillor, that Councillor will be notified of the complaint and be given the opportunity to respond to the Clerk privately, or in the presence of other parties of his/her choice.
3. If the complaint is about the Clerk, then the Chairman or Vice Chairman may appoint a Councillor to oversee the investigation and response.
4. If the complaint is about policy, administration or other general matters, the Clerk will make Councillors aware of the complaint in case they are approached about the matter.
5. The complaint will be entered onto the next Agenda for discussion. The entry should be brief and should not identify the complainant, nor any Councillor or employee to whom the complaint may relate. The Clerk may advise that the matter be deferred to the end of the meeting and be discussed within a closed session once the public have left. The complainant, if they chose to attend the meeting, may also be asked to remain in order to make representation, but may be asked to leave when the Council deliberates the matter.  
Multiple complaints regarding the same matter will be discussed concurrently.  
The Clerk shall provide all relevant details for a decision to be made by the Council.
6. Any conclusion drawn will be reported to the complainant(s) and briefly recorded within the meeting minutes. Ideally, the item will be either **Upheld** or **Dismissed**. The item may alternatively be **Deferred** pending further information, or **Referred** to an alternative authority. The latter two options are particularly true if there are legal ramifications from the complaint.  
The Council is not required to justify its decision, nor outline any actions it will take following the decision. However, depending upon the nature of the complaint, the Council is encouraged to elaborate as far as it considers being practicable.
7. In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council should consider taking legal advice before writing letters to the complainant.
8. In the event of repeated complaints about a subject already responded to by the Council, the complainant should be referred back to the original response.