

Complaints Procedure

Date of Adoption: Jul 2026

Introduction

1. The Local Government Ombudsman provides the following definition of a complaint:

"A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action about the standard of 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."

2. Residents who live in or near a council's area and who are affected by a council's decisions are likely to be the main users of a council's complaints procedure. The complaint procedure is also available to other individuals, organisations or unincorporated bodies.
3. The Parish Council will investigate a complaint from a person, or their nominated representative, if it is one of the following:
 - a. An expression of dissatisfaction about the failure to provide or meet the expected standard of a service.
 - b. Neglect or delay in responding to a contact with the Council.
 - c. Failure to observe the Parish Council's policies or procedures.
 - d. Discourteous or dishonest conduct by a member of staff.
 - e. Harassment, bias or discrimination.
4. When a complaint is made against the Parish Council, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against the Parish Council should be treated as a complaint against the body corporate of the council, not as a complaint against individual councillors or staff.
5. Complaint handling shall take no longer than 12 weeks from receipt to resolution.
6. A complaint relating to an individual Councillor's failure to comply with the Parish Council's Code of Conduct must be submitted to the Monitoring Officer at North Yorkshire Council.
7. A complaint relating to a Parish Council employee should be dealt with through the Parish Council's internal disciplinary and grievance processes.

8. On occasions, it may be necessary to notify the Parish Council's insurers of a complaint immediately so that the council takes instructions as to how best to respond to the complainant. This would be appropriate if a complainant were seeking redress for personal injury, damage to property, or other financial loss, or where the council is at risk of being held liable in law to pay damages.

Informal Resolution

9. The Clerk (Proper Officer) must advise the Chairman on receipt of any complaints. It is generally in the interests of the complainant and council to try and resolve the matter informally through the normal channels of communication, rather than deferring to the council's formal complaints procedure. If together they agree that an unpretentious letter of explanation or apology, if appropriate, from the Clerk will answer the complaint (within 10 working days), then this shall be the first course of action. However, if the complaint is of a more serious nature and could bring into question the conduct of the Council or Clerk, then the formal complaints procedure should be followed.

Data Protection and Confidentiality

10. To ensure compliance with the Data Protection Act 2018, the council cannot disclose the identity, contact details, or other personal data about an individual complainant without their consent. The council shall ensure that agendas and minutes do not disclose the complainant's personal data, sensitive or confidential information that relates to an individual complainant or a third party.
11. A complaint against a local council is personal to the complainant and will be treated as confidential unless the complainant waives the right to confidentiality.

Formal Complaints Procedures

12. All formal complaints against the council must be communicated in written letter format.
13. At a minimum, the letter requires the complainant to confirm the details of their complaint, including relevant events, dates, the resolution they seek, and the names of relevant council members, staff, or contractors, along with their personal contact details.

14. If the complainant does not wish to submit the complaint to the Clerk, they will be asked to address it to the Chairman of the Parish Council.
15. The Clerk or Chairman will acknowledge receipt of the complaint and advise the complainant as to when the Parish Council will consider the matter. The complainant should be advised whether the complaint will be treated as confidential and whether notice of it will be given at the next Full Parish Council meeting, and confirmed on the next steps in the complaint procedure.
16. The formal complaint will be considered at the next meeting of the Council. If more than twenty-one days are to lapse between receipt of the complaint and the next meeting of the Council, the Chairman will convene an extraordinary meeting of the Council to receive and hear the complaint.
17. The meeting item of the Parish Council to consider the complaint will need to be excluded from the public.
18. If a complainant has threatened legal action against the Parish Council or legal action has already begun, the Council will seek professional legal advice on how best to respond to the complaint.
19. The Clerk will need to investigate the facts of the complaint on behalf of the Parish Council and collate related evidence.
20. A minimum of seven clear working days prior to the meeting:
 - a. The complainant shall provide the council with copies of any documentation or other evidence that they wish to refer to at the meeting.
 - b. The Parish Council shall provide the complainant with copies of any documentation to which they will refer during the meeting, allowing the complainant the opportunity to review the material in advance.
21. At the meeting, the Council will consider the complaint. It will also include on the agenda the appointment of three members to a committee with delegated power to continue handling the complaint (if necessary). The committee will have full delegated power to bring the complaint to a conclusion. The Council will also determine which member will serve as the Chairman of the Committee.
22. The Council (and/or Committee with delegated power) may appoint an independent person to the committee if it resolves to do so, as an independent, impartial arbitrator.
23. After the meeting, the Clerk/Chairman will write to the complainant, explaining the outcome of the Council's consideration of the complaint and outlining how to proceed further if they believe this is necessary.

24. If the complainant wishes to pursue the matter, they must notify the Council in writing with their reasons for doing so. A meeting of the complaints committee will then be convened to investigate the complaint further.
25. Notice of the committee meeting will be advertised in the usual way to committee members, i.e., a summons will be issued with three clear days' notice. A public notice will also be displayed in the usual way, i.e. posted in a conspicuous place in the parish and giving three clear days' notice.
26. Complainants will be asked to attend the committee meeting by a formal letter and will be informed that another person may accompany them.
27. On commencement of the complaint hearing, the Chairman will introduce everyone present and explain the complaints procedure.
28. The complainant or their representative will outline the grounds for their complaint, disclose and present evidence to support their claim. Questions may be asked by the Clerk and then by the Councillors.
29. If appropriate, the Clerk will explain the Parish Council's position and talk through all of the council's supportive documentation.
30. The Chairman will invite committee members to ask questions of the complainant.
31. The Chairman of the Complaints Committee and then the complainant will summarise their respective positions.
32. The clerk and complainant are to be asked to leave the room while the Councillors decide whether there are grounds for the complaint. If further clarification is necessary, both parties will be invited back into the room.
33. The clerk and complainant return to the room to hear the decision or to be advised when the decision is likely to be made, as well as when and how it will be communicated to them.

Determination of Complaint

34. If the Parish Council upholds the complaint, it will provide the complainant with an explanation of the matters complained of. It may decide to apologise to the complainant. It may offer a remedy which, as far as possible, puts the complainant back into the position they would have been in but for the matter complained of. In addition, the council may explain what steps it intends to take to reduce the risks of the matters being complained of being repeated.
35. The Clerk/Chairman will write to the complainant within seven working days to confirm whether the complaint has been upheld. The Parish Council will provide reasons for its decision, along with details of any action to be taken by the council, if appropriate.

36. Any decision on a complaint will be announced at the next available Parish Council meeting in public.
37. Minutes of the committee meeting will be kept and will be available to all parties involved in the complaint.

Appeals

38. As a small council with few members, it is impractical to offer a two-stage complaints process; accordingly, there is no right to appeal the decision of the Parish Council.