

# Abinger Parish Council

Abinger Common, Abinger Hammer, Forest Green, Oakwood Hill & Walliswood

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## Code of Practice for Handling Complaints

Date Policy Reviewed	Date Policy Adopted
August 2019	August 2019
November 2024	9 <sup>th</sup> November 2024

This Code of Practice for Handling Complaints was first formally adopted by Abinger Parish Council (APC) on August 2019. The policy is reviewed annually; latest review was in November 2024.

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## 1 Definition of a Complaint

"A complaint is 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."<sup>1</sup>

From time-to-time members of the public may have complaints about the administration or procedures of the Parish council. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman<sup>2</sup>, and there are no provisions for another body to which complaints can be referred. Therefore, it is recommended for transparency in local government, and for the benefit of good local administration, that Parish Councils should adopt a standard formal procedure for considering complaints. APC will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council.

The Council's complaints procedure is not a means of redress for its members or staff. Members and staff are expected to work together professionally even if they hold differences of opinion and views.

The Council will bear in mind the provisions of the Data Protection Act 2018 as well as the Freedom of Information Act 2000 in dealing with complaints.

In the event of a seemingly serial facetious, vexatious or malicious complaint, the Council may consider taking legal advice.

## 2 Complainants

Complainants can be members of the public, councillors, or employees of the Council.

## 3 The Complaints System

The APC complaints system is intended to be:

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<sup>1</sup> With acknowledgment to NALC <https://www.nalc.gov.uk/resource/handling-complaints-england.html>

<sup>2</sup> <https://www.lgo.org.uk/>

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- Well-publicised, easily accessible and easy to use<sup>3</sup>
- Helpful and receptive
- Not adversarial
- Based on clear procedures and defined responsibilities
- Thorough, rigorous and consistent
- Decisive and capable of putting things right where necessary
- Sensitive to the special needs and circumstances of the complainant
- Adequately resourced
- Duly supported by councillors and officers
- Providing responses that are proportionate
- Timely
- Regularly analysed to spot patterns of complaint and lessons for service improvement<sup>2</sup>.

## 4 Confidentiality

To ensure compliance with its obligations under the Data Protection Act 2018, the Council may not disclose the identity, contact details or other personal data about an individual complainant unless they consent or unless disclosure is otherwise fair and lawful under the 2018 Act

The identity of a complainant will only be made known to those who need to consider a complaint. Care will be taken to maintain confidentiality where circumstances demand, e.g. where matters concern financial or sensitive information or where third parties are concerned.

## 5 Complaints outside this Code

The following are *excluded* from this code:

Type of conduct	Instead complain to
Financial Irregularity	The Council's auditor, whose name and address can be obtained from the Clerk. (Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998).
Criminal activity	The Police
Member conduct	Monitoring Officer of the Standard's Committee of Mole Valley District Council.

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<sup>3</sup> See <http://www.abinger-pc.gov.uk/community/abinger-parish-council-13002/apc-policies/>

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Employee conduct	Clerk to the Council to be dealt with under internal disciplinary procedure. (If the complaint is about the Clerk, the complaint should be referred to the Chairman).
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## 6 Complaints Committee

A Complaints Committee will be established at the annual meeting of the Council, to consist of three Councillors.

The Chairman of the Complaints Committee will be elected at the annual meeting of the Council.

## 7 Complaints

All complaints will be deemed to be Informal Complaints unless a written complaint states that it is a Formal Complaint.

### 7.1 Informal Complaints Procedure

An informal complaint may be given orally or in writing to the Clerk<sup>4</sup>. If a complaint is given to a Councillor it is their duty to notify the Clerk or Chairman of the Council.

The Clerk or Chairman of the Council will speak directly to the complainant and will attempt to settle the complaint and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly.

If the complaint cannot be resolved the Clerk will be informed and they will instigate the Formal Complaints Procedure.

### 7.2 Formal Complaints Procedure

The complainant must be asked at the outset to confirm if they want the complaint to be treated confidentially<sup>5</sup>.

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<sup>4</sup> Rebecca Anderson, 9 Spencers Road, Horsham, West Sussex, RH12 2JQ e: [abingerpc@hotmail.com](mailto:abingerpc@hotmail.com)

<sup>5</sup> See [section 4](#)

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All formal complaints will be heard in public unless the Complaints Committee expressly resolves to exclude the press and public using Standing Order<sup>3</sup> section 3 due to the confidential nature of the complaint.

To resolve the formal complaint, the Complaints Committee will hold a formal hearing to review the complaint and make a recommendation on behalf of the Council.

The complainant will be invited to attend the formal hearing if they so wish.

## 7.3 Before the Meeting

A Formal Complaint must be lodged in writing (letter or email) and sent to the Clerk<sup>4</sup>. The correspondence must state that a Formal Complaint is being lodged and shall provide the following information:

- Name, address, and telephone number of the complainant.
- Details of the complaint about the Council's procedures or administration.
- How the issue has affected the complainant.
- Copies of any relevant documents or other evidence to which the complainant may wish to refer at the meeting.
- Details of third parties and their involvement.
- What action the complainant believes will resolve the complaint.

If the complainant does not wish to put the complaint to the Clerk, they should be advised to address the complaint to the Chairman of the Council<sup>6</sup>.

The Clerk will acknowledge the complaint and inform the complainant that a mutually convenient date for a Complaints Hearing will be scheduled within 28 days.

The Clerk will issue an agenda for the Complaints Formal Hearing not less than three days before a formal hearing of the Complaints Committee.

The Clerk will invite the complainant to bring with them one representative who may speak on their behalf if they so wish.

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<sup>6</sup> <http://www.abinger-pc.gov.uk/community/abinger-parish-council-13002/councillors/>

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Any documentation not already supplied must be sent to the Clerk seven clear days before the meeting.

If either party provides details, documentation or evidence less than seven days before the meeting, the Chairman of the Complaints Committee will decide whether to admit it.

If a council's complaints procedure permits the complainant to make verbal representations at a meeting with the clerk or nominated officer or, as the case may be, to a meeting of the complaints committee, the clerk or nominated officer or, as the case may be, chair of the meeting should explain how the meeting will proceed.

The complainant should outline the grounds for complaint and, thereafter, questions may be asked by the clerk or other nominated officer or by members if this is a meeting of the complaints committee.

The clerk or other nominated officer (or if the complaint concerns them, another member of staff or a member) will have an opportunity to explain the council's position and questions may be asked by the complainant.

The clerk or other nominated officer, or as the case may be, the complaints committee or sub-committee and then the complainant should be offered the opportunity to summarise their respective positions.

## 7.4 At the Meeting

The Complaints Committee will decide whether the circumstances of the meeting warrant the exclusion of the public and the press.

The Chairman of the Committee will introduce everyone and explain the procedure.

The complainant and their representative (if any) will detail the complaint to the Committee.

Members of the Committee, if they wish, will ask questions of the complainant relating to the complaint.

The Clerk or Councillor will present the Council's position relating to the complaint (if necessary).

Members of the Committee, if they wish, will ask questions of the Clerk/Councillor.

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The Clerk/Councillor and the Complainant will be offered the opportunity to make any final comments (in that order).

The Complaints Committee will then consider the complaint in private for a maximum of 30 minutes.

The Committee can re-open the meeting if clarification of points is needed from either party, but both parties must be invited back to the meeting.

The Chairman may adjourn the meeting if wished in order that specialist advice may be sought.

The Chairman will ask all parties to re-join the meeting to inform them of the Committee's recommendation to full Council. If a recommendation cannot be reached at the meeting, the Chairman will advise when the recommendation will be made and communicated to the complainant.

## 7.5 After the Meeting

Any recommendation on a complaint will be ratified and announced at the next meeting of the Council in public, bearing in mind complainant confidentiality<sup>7</sup>.

Within seven days of the Council accepting the recommendation of the Complaints Committee, the Clerk will put the decision in writing to the complainant.

Ordinarily, written complaints of matters of a serious nature will be recorded in the council's minutes, once they are resolved. However, certain sensitive issues, and certain human resource issues, may be legislatively exempt from publication.

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<sup>7</sup> See section 4 Confidentiality