

SOUTH KELSEY AND MOORTOWN PARISH COUNCIL

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Date policy approved and adopted: 7 Aug 2023 as Complaints Policy
Reviewed: 9 June 2025 – Amended to include Appeals
Date of next review: May 2026

The following procedure should be followed by anyone wishing to make a complaint against the Parish Council's procedures or administration or to appeal against decisions taken. The complaints procedure is not a means of redress for members or staff.

COMPLAINTS PROCEDURE

This complaints procedure is designed to deal with complaints made about the Council's action or perceived lack of action, or about the standard of a service, whether the action was taken, or the service provided by the Council itself acting as a body corporate, or by a person or body acting on behalf of the Council.

Any complaint can only be processed by the Council at a properly convened meeting of either the full Council or of a committee tasked with investigating the matter.

Any complaint that involves one of the Council's employees will be dealt with in the first instance via this complaint's procedure, and if any further action is required, then in accordance with the Council's internal employment processes.

Please be aware that there are other bodies with responsibility for certain types of complaint:

Individual member's conduct alleged to breach the Code of Conduct adopted by the Council	The relevant principal authority Monitoring Officer should be contacted – the district council has responsibility for such matters
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (Audit Commission Act 1998 s.16)
Alleged criminal activity	The Police

If you have a complaint against a Parish Councillor you should write to:

The Monitoring Officer
West Lindsey District Council
Guildhall, Marshall's Yard
Gainsborough. DN21 2NA

Email: monitoringofficer@west-lindsey.gov.uk

If you have a complaint against an employee of the Parish Council, you should write to the Chair:

South Kelsey and Moortown Parish Chair
c/o 11 Foxglove Close
Brigg DN20 8FF

Email: clerk@southkelseyandmoortown-pc.gov.uk

If you have any other complaint you should write to the Proper Officer to the Council:

Christine Major
11 Foxglove Close
Brigg DN20 8FF

Email: clerk@southkelseyandmoortown-pc.gov.uk

To allow your complaint about the Parish Council's procedures or administration to be dealt with, the Parish Council has adopted the following procedure which will be followed where complaints cannot be resolved less formally by the Clerk to the Council or the prevailing Chairman.

Please note:

- The Parish Council will not deal with anonymous complaints.
- Complaints made to the Proper Officer are complaints made to the Council.
- The Proper Officer will not accept complaints made on the basis that the information is not passed to the Council but will exercise appropriate discretion, for example, should the matter relate to sensitive issues, potentially create legal liabilities or relate to criminal investigations.
- The right to report relevant matters to enforcing authorities is reserved.

Before the Meeting

1. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the council's Proper Officer, the Clerk.
2. If the complainant does not wish to put the complaint to the Proper Officer, they will be advised to put it to the Chair of the parish council.
3. The Proper Officer or Chair of the Council will acknowledge receipt of the complaint and advise the complainant that the matter will be referred to the Council's Policy and Resources Committee within 7 days of receiving the complaint and confirming that the complaint will be treated as a confidential matter.
4. If the Policy and Resources Committee feels that the matter does not warrant consideration, the Clerk to the Council shall explain in writing why the matter will not be considered by the Committee. This may include how the matter has been resolved or why the matter is not appropriate or does not warrant further referral, including where the matter is vexatious or repetitious.

5. An appeal the for the non-referral of a complaint must be made within 5 days and will be referred back to the Policy and Resources Committee unless they have previously considered this, related matters or the complainant (or an associated person) vexatious or repetitious.
6. Responsibility for the consideration and determination of a complaint will be delegated by the Policy and Resources Committee to a sub-committee by resolution and will not be subject to the statutory right of attendance by the public and press.
7. The complainant will be invited to attend the relevant meeting to make verbal representations where it is considered appropriate and productive for determining the finding of the meeting and may be accompanied.
8. Seven clear working days prior to the meeting, the complainant will provide the Clerk with copies of any documentation or other evidence which they wish to refer to at the meeting, for referral to a sub-committee as set-up by the Policy and Resources Committee. The Proper Officer on behalf of the Council will similarly provide the complainant with copies of documentation upon which it wishes to rely at the meeting.

At the Meeting

9. The Chairman of the sub-committee will introduce everyone.
10. The Chairman will explain the procedure.
11. The Complainant will outline the grounds for complaint.
12. The sub-committee members will then ask any question of the complainant.
13. If relevant or necessary, the Clerk will explain the council's position.
14. The sub-committee members will ask any question of the Clerk.
15. The complainant and the Clerk will be offered the opportunity to sum up the respective positions.
16. The complainant and the Clerk will be asked to leave the room while the sub-committee members decide whether or not the grounds for the complaint have been upheld and, where appropriate, provide recommendations. Note: If a point of clarification is necessary then both parties will be invited back.
17. The complainant and the Clerk will return to hear the decision or will be advised as to when the decision will be made.
18. Any decision on a complaint will be announced at a parish council meeting in public.

After the Meeting

19. The decision will be confirmed in writing, by the Council's Proper Officer within seven working days together with details of any action to be taken.

APPEALS PROCEDURE

20. If the complainant feels that it wishes to appeal against the process in which the decision was reached, they should appeal in writing, stating the full grounds of appeal, to the Clerk to the Council within one week of the date on which they were informed in writing of the decision.
21. If the Policy & Resources Committee agrees to hear the complaint on this basis, the Council's Proper Officer will give written notice of the date, time and place of the appeal hearing. The appeal hearing will be limited to a review of the procedures that were followed and not a review of the original decision given.
22. Where possible the appeal hearing will be conducted by Councillors who were not previously involved in the case.
23. Following the appeal hearing, the Council's Proper Officer will confirm, in writing and within seven days, the outcome of the appeal.

At the Appeal:

24. Confirmation should be given that the appeal is a result of the decision of a complaint which had been previously heard by the Policy and Resources Sub-Committee for Complaints.
25. Clerk will confirm the documentation provided, identifying, if appropriate, any other documentation the committee has at its disposal for reference purposes, or any additional information supplied by the complainant.
26. The Committee to consider the grounds of the appeal to determine whether the decision taken was fair and the correct outcome was achieved by reviewing all the evidence submitted, reviewing any new facts and judge reasonableness of procedure to date.
27. Committee to consider the case and make a decision (Grounds for appeal: upheld, rejected, or require a full or partial rehearing).

After the Appeal:

28. If procedures were correctly handled by the Complaints Sub-Committee, then the appellant must be notified that the appeal has not been successful.
29. If the complaint was not handled correctly, it must be referred back for consideration by the Policy and Resources Committee.
30. Appellant to be notified that the decision is authorised by the Parish Council and is final.