

Complaints Policy

The Waverley Community Council (WCC) welcomes contact from residents. However, the Community Council cannot deal with any complaint that is outside of the scope of these instructions:

1. All complaints about the Council to be sent to the Clerk.
2. Complaints about the actions of the Clerk to be sent to the Chairman, as per the published Complaints Policy below.
3. Complaints about the behaviour or actions of individual Councillors to be reported to the Monitoring Officer of Rotherham Borough Council as breaches of the WCC's Code of Conduct.
4. Requests for information held by the WCC, made under the Freedom of Information Act 2000 or Data Protection Act 2018, are to be sent to the Clerk.
5. **Please note that when a member of the public writes to an individual Councillor, that correspondence is taken by the WCC to be correspondence to the Council as a body corporate and will be brought to the Council's attention.**

Complaints Procedure

The following is the Community Council's procedure for dealing with complaints about the Council's administration or its procedures, a complaint against the Clerk or a complaint against a Community Councillor. Complaints about a policy decision made by the Council will be referred to the Council for consideration.

The procedure is based on the framework suggested by the National Association of Local Councils.

1. Definition of a complaint

Generally, this will be about the Community Council's procedures or administration. It will be an expression of dissatisfaction by one or more members of the public 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) by the Community Council or a person or organisation acting on behalf of the Council.

Complaints should always be directed through the Clerk (except for complaints about the Clerk, in which case, the Chairman takes the place of the Clerk in managing the process). It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

Making a complaint

We cannot please everyone all the time. What we can promise is to listen and to do what we can to deal with your problem.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Community Council receives queries, problems, and comments as part of its day-to-day business, and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Community Council by the Clerk.

If your complaint about procedures, administration or the actions of a Council's employee is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting your name and contact details and the nature of the complaint.

You will be asked to put the complaint in writing (letter or e-mail) to the Clerk to the Council. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

When your complaint has been received, we will write to you within seven days to let you know, who is responsible for dealing with the complaint, how it will be dealt with, and when the complaint is likely to be dealt with.

3. What to do

Complaints can be made in any of the following ways –

- E-mail or telephone the Clerk to the Community Council (see website for details). If you wish to write rather than e-mail, please contact the Clerk for the address.
- Write to the Chairman of the Community Council (see Website for details), if the complaint is about the Clerk.

4. What happens next?

On receipt of your written complaint, the Clerk to the Council will seek to settle the complaint directly with you by explaining the Community Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.

Complainants can expect to receive a response in full within a month of the acknowledgement of the complaint.

5. Complaint about the Clerk

If the complaint is about the Clerk to the Council, you should write to the Chairman at the postal address. The Clerk will be formally advised of the matter and given an opportunity to comment.

6. Complaint about the ethical behaviour of a Community Councillor

Members of Community Councils sign a declaration to abide by the WCC Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the WCC's Code of Conduct should be made online using the appropriate form on Rotherham Borough Council's website - www.rotherham.gov.uk/xfp/form/418

7. Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should, or has been taken. These matters will be referred to the Staffing Committee by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Staffing Committee may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

8. Anonymous Complaints

Anonymous complaints will be disregarded.

9. Formal Complaints

In certain circumstances, procedures/bodies other than the Community Council may be appropriate in respect of the following types of complaint:

Financial irregularity - statutory right to object to Council's audit of accounts under S.16 Audit Commission Act 1998. On other matters, the council may need to consult its auditor.
Criminal activity - the Police

10. How will the procedure operate?

Complaints about the Council's procedures, administration or policies will be dealt with by the Community Council. The outcome of the complaint will be published.

The Clerk will acknowledge receipt of your complaint within seven working days and will also advise when the matter will be dealt with by the Complaints Committee.

You will be invited to attend the meeting and to bring any representative if you wish.

Seven clear working days prior to the meeting, you are requested to provide the Community Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Community Council will provide you with copies of any documentation which it wishes to rely on at the meeting.

11. Procedure at the Meeting

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

- The Chairman will introduce everyone and will explain the procedure.
- You, as the complainant, or your representative, will outline the grounds for complaint.
- Members of the Complaints Committee will ask questions of you or your representative.
- If relevant, the Clerk will explain the Community Council's position.
- Members of the Committee will be able to ask questions of the Clerk to the Council.
- The Chairman will summarise the Community Council's position and then you will be offered the opportunity of summing up.

You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Members reach a decision on whether, or not, the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.

If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

You will then re-join the meeting to be advised of the decision of the Committee, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.

12. After the meeting

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

13. Complaints relating to the Clerk, or other employees of the WCC

These will be dealt with by the Community Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Community Council are entitled. The complainant will be informed of action taken.

14. What to do if you are still not satisfied

The decision of the Community Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Community Councils.

Document created	November 2019
Reviewed and agreed	January 2024
Reviewed and agreed	December 2024
Reviewed and agreed	
Next update	December 2025