

## **KERRY COMMUNITY COUNCIL COMPLAINTS PROCEDURE**

1. Kerry Community Council (the Council) is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or unhappy about an action or lack of action by this Council, this complaints procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

2. This Complaints Procedure applies to complaints about the Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.

The Ombudsman's definition of a complaint is;

*"A complaint is 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 itself or by a person or body acting on behalf of the council."*

3. This procedure does not apply to:

(a) Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer (these matters are dealt with under the Council's Disciplinary and Grievance Procedures);

(b) Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct adopted by the Council. If a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer of Powys County Council. (Further information on the process of dealing with complaints against Councillors may be obtained from PCC's Monitoring Officer at 01597 826746 Powys County Hall, Spa Road East, Llandrindod Wells, Powys. LD1 5LG

4. The appropriate time for influencing Council decision making is by raising your concerns before the Council debates and votes on a matter (The Council meets at 19:30 on the last Wednesday of each month excluding August/December). You may do this in writing to the Council in advance of the meeting at which the item is to be discussed – you also have an opportunity to attend the meeting and raise your concerns first hand.

5. If you are unhappy with a Council decision, you may raise your concerns with the Council within 6 months of the decision.

The Council will reconsider your complaint should additional information be provided however resubmission of the original complaint will not be considered and the Council's decision is final.

6. You may make your complaint about the Council's procedures or administration to the Clerk to the Council as detailed on our website - [www.kerrycommunitycouncil.gov.uk](http://www.kerrycommunitycouncil.gov.uk) or email [clerk@kerrycommunitycouncil.gov.uk](mailto:clerk@kerrycommunitycouncil.gov.uk). Initially, you may do this in person, by phone (07743 689912) or by writing to, or e-mailing the Clerk.

7. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will acknowledge your complaint immediately and try to resolve your complaint within fourteen (14) working days.

8. If the complaint has concerns regarding any action (or lack of action) taken by the Clerk the matter will be dealt with by the Chair of the Community Council. The Chair will acknowledge your complaint immediately and if they consider that they are unable to resolve the matter, they will report the complaint to a Panel of three Members comprising the Vice Chair of the Council, a member of the Finance & Governance Sub Committee and one other Council member (to be selected by rote).

9. The Clerk, the Chair or the Complaints Panel will investigate each complaint, obtaining further information as necessary from you and/ or members of the Council and/or third parties, as appropriate.

10. The Clerk or the Chair will notify you within twenty working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. In exceptional circumstances, the twenty days' timescale may have to be extended. Should this be the case you will be kept informed.

11. If you are dissatisfied with the response to your complaint, you may refer the matter to the Public Services Ombudsman for Wales who is based at 1 Ffordd yr Hen Gae, Pencoed. CF35 5LJ Phone: 0300 790 0203.

Website: [www.ombudsman-wales.org.uk/](http://www.ombudsman-wales.org.uk/)

Please note that the Ombudsman is unlikely to consider a complaint against the Council if the Council has not had the opportunity to resolve the complaint first and it is recommended that any complainant allows the Council to follow the process outlined above before taking matters further.

See Table below;

| <b>Stage reached in council's complaints procedure when complaint made to Ombudsman</b>                 | <b>Ombudsman's likely involvement</b>  |
|---|--|
| Complainant has not raised matter with council at all   | Ombudsman will not accept complaint save in exceptional circumstances  |
| Complainant has raised matter with council but it has not been recognised and dealt with as a complaint | Ombudsman likely to intervene, especially if matter appears serious  |
| Authority still dealing with complaint raised with the Clerk (Stage 1)                                  | Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with serious complaint or taking too long  |
| Complainant not satisfied with authority's response at Panel (Stage 2)                                  | Ombudsman likely to refer most complaints back to authority for consideration under a formal stage of its procedure if stage 1 has been dealt with properly and promptly |
| Authority still dealing with complaint at first formal stage of its procedure                           | Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with complaint or taking too long  |
| Complainant not satisfied with outcome at any formal stage  | Ombudsman will normally accept complaint for consideration (not necessarily leading to an investigation)   |

The procedures and policy will be reviewed regularly and/or at least annually.