



PARISH  
COUNCIL

*Complaints Procedure*

Document Configuration Management & Control

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# Complaints Procedure including breaches of conduct

## Informal Complaint

It is hoped that most complaints can be resolved quickly and amicably through this route.

Informal complaints can be made by telephone or email. The complaint will be handled by the Clerk.

Complaints should always be directed through Clerk, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach has not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

## Formal Complaint

The Clerk to the Council is responsible for managing the formal complaints process. If a formal complaint is being raised against the Clerk, then the process as detailed should be followed, but the Chairman of the Council should be informed instead of the Clerk.

A formal complaint can only be submitted in writing to the Council's Office, it should be addressed to the Clerk, marked "Confidential – Formal Complaint." The Council encourages contact by email and telephone, but as a formal complaint is a serious matter the Council will only accept these in writing.

The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt of the complaint within three working days.

The Clerk will carry out an initial investigation into the complaint and will within ten working days provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed. The Clerk will report to the Council summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainant.

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the Council's Review Panel.

## Review Panel

The Review Panel is a properly formed committee of the Parish Council. The panel will be constituted of five members to endeavour to ensure that three members are available, at short notice, to review a complaint.

Three members will review a complaint; this will ensure the panel is quorate and that the number of members present is not excessive.

The panel is subject to all meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when a Review Panel meeting is called.

It is expected that the Review Panel will be able to meet within seven working days of being notified by the Clerk.

Prior to the meeting:

Seven clear working days before the Review Panel meeting the complainant will provide the Parish Council with copies of all documentation, or other evidence (such as photographs) that they intend to introduce to the Review Panel meeting. The Parish Council will provide the same to the complainant.

At the meeting:

1. The Review Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and press\*.
2. The Chairman of the Review Panel shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
  - (a) The complainant (or representative) shall be invited to outline the grounds for complaint and panel members given the opportunity to ask any questions of the complainant.
  - (b) If relevant, the Clerk will explain the Council's position and panel members shall ask any

questions of the Clerk.

(c) The complainant is to be offered the opportunity of a last word as means of summing up their position.

(d) The Clerk is to be offered the opportunity of a last word as a means of summing up their position.

3. The Clerk and complainant shall be asked to leave the room while the panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

4. The announcement of any decision will be made in public, at the next Full Council meeting.

\* Public Bodies (Admission to meetings) Act 1960 and the Local Government Act 1972 s100 & 102

## Timings

The Parish Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, or the absence of a member of staff who is involved in the complaint, may mean that the timings have to vary.

## Impact on Council Staff

A formal complaint is a serious matter. A complaint against a member of the Council's staff could result in disciplinary action; or in the cases of gross misconduct dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

## Complaints Against Councillors

Note that complaints pertaining to Disclosable Pecuniary Interests shall be referred to the Police. The complainant shall be notified of this action and the Clerk shall also notify the Monitoring Officer of the complaint and the referral.

General complaints regarding potential breach of the Code of Conduct:

a. Any and all complaints regarding the conduct of a Councillor should be made in writing to the Clerk.

b. Upon receipt of a written complaint the Clerk will advise the Chairman of the Council (or Vice Chair if the Chairman is the subject of complaint) and the Councillor(s) against whom the complaint(s) is made.

c. The complainant will be advised that the Councillor(s) against whom the complaint(s) is made will, under normal circumstances\*, be given 1 week to offer a written response to the Chairman of the Council (or Vice-Chair if the Chairman is the subject of the complaint).

d. The Chairman of the Council (or Vice-Chair if the Chairman is the subject of complaint) will provide a written response to the complainant within two weeks of receipt of the written complaint.

e. If the complainant is satisfied with the response the matter is resolved but if the complainant is not satisfied with the response, they will have the right to refer the matter to the District Council Monitoring Officer.

f. Where the Clerk is the subject of a complaint, the Chairman shall nominate a person to assume the duties of the Proper Officer in relation to the handling of the complaint who shall continue to act in respect of that matter as such until the complaint is resolved.

g. The subject matter of complaints shall be confidential and, insofar as it is possible to do so by law, the Council (including the Clerk and the Chairman) shall take the steps considered necessary to maintain confidentiality.

h. Clause (g) above should not be taken to prohibit the Council (whether through the Clerk or the Chairman of the any committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law. \* Normal circumstances exclude absences through holidays, illness or other unforeseen circumstances.

### Anonymity

The Council will not consider, under any circumstances, informal or formal complaints that are submitted anonymously.