

Hutton Parish Council

COMPLAINTS PROCEDURE

The following is the Parish Council's procedure for dealing with complaints about the Council's administration, employees or its procedures, a complaint against the Clerk or a complaint against a Parish 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 Parish 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 or a person or organisation acting on behalf of the Council.

In the first instance, 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 are not satisfied with the less formal route, or if you wish to use a more formal complaint procedure, please read on:

2. Making a complaint

The Parish Council accepts that it cannot please everyone all of the time but what the Council can do however, is to promise to listen and to do what it can to deal with your complaint or problem.

It is not appropriate to deal with all complaints from members of the public under the Council's formal complaints procedure. The 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 Council by the Clerk, who will subsequently inform the complainant of the outcome.

If your complaint about procedures, administration or actions of the Council's employees 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, the Clerk to the Council. will write to you within seven working days to let you know –

- Who is responsible for dealing with the complaint.
- How it will be dealt with.
- When the complaint is likely to be dealt with.

3. What to do

Complaints can be made in any of the following ways –

- Email or telephone the Clerk to the Parish Council (see Website, noticeboards or Hutton News for details). If you wish to write rather than e-mail, please contact the Clerk for further details.
- If at all practicable, a telephone complaint should by telephone should be followed up in writing.
- Write to the Chairman of the Parish Council (see Website, noticeboards or Hutton News for details).
- If the complaint is about the Clerk, telephone or write to the Chairman of the Parish Council (see Website, noticeboards or Hutton News for details).

4. What happens next?

On receipt of your written complaint, the Clerk to the Council will confirm the details of the complaint and seek to settle the complaint directly with you by explaining the Parish Council's position, if this is appropriate. Attempts will be made by the Clerk to the Council to resolve the complaint at this stage. Councillors receive a summary of all complaints received and their resolution on a monthly basis at Parish Council Meetings.

In most cases, 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 telephone or write to the Chairman of the Parish Council. The Clerk will be formally advised of the complaint and be given an opportunity to comment and respond to the matter concerned.

6. Complaint about the ethical behaviour of a Parish Councillor

Members of Parish Councils sign a declaration to abide by a Code of Conduct which is available on request to the Clerk or on the Parish Council website:

www.huttonsomerset.org.uk under the Parish Council tab and freedom of information. Furthermore, if the code of conduct is breached, Councillors are aware that there are possible consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to: **The Deputy Monitoring Officer, Electoral Services, North Somerset Council, Town Hall, Weston super Mare.**

7. Unreasonable and Vexatious Complaints

There may be circumstances, when a complainant wishes to continue to pursue a complaint, even when the Clerk, or 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. In these circumstances, the complaint will be referred to the Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Council 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 or bodies other than the Parish 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. In this circumstance, the Council may need to consult its auditor.
- **Criminal activity** – In this circumstance, the Police will need to be informed.

10. How will the procedure operate?

Complaints about the Council's employees, procedures, administration or policies will be dealt with by the 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 how and when the matter will be dealt with, either by the Chairman in the first instance or by a specified Council Complaints Committee.

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

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

11. Procedure at the Complaints Committee Meeting

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

The Chairman of the Complaints Committee 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 Council's position.

Members of the Complaints Committee will be able to ask questions of the Clerk to the Council.

The Chairman of the Complaints Committee will summarise the 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 of the Complaints Committee 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 of the Complaints Committee 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 Complaints 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 a formal Council decision letter.

12. After the Complaints Committee Meeting

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

13. Complaints relating to the Clerk

These will be dealt with by the 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 in order to protect the employment rights to which employees of the Council are legally entitled. The complainant will be informed of action taken by the Council.

14. What to do if you are still not satisfied

As the Local Government Ombudsman does not consider complaints with respect of Parish Councils, the decision of the Parish Council is final.

However, complaints can be passed to the District Council. A complaints procedure and form can be found at <https://www.n-somerset.gov.uk/council-democracy/complaints-feedback/complaints-about-councillors>

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