

COMPLAINTS PROCEDURE

Updated July 2014



1. Introduction

- 1.1 All formal complaints against a local council or officer must be communicated in writing. The complainant must state at the outset if he/she wants the complaint to be treated confidentially. The Parish Council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

2. Complaints Procedure

- 2.1 Any complaint should be submitted in writing and signed, to the Clerk at Urloxhey House, Elmbridge, Nr Droitwich, Worcs WR9 0NQ, or by email to: clerk@chaddesleyparishcouncil.org.uk
- 2.2 If a complaint concerns the Clerk, the letter should be sent to the Chairman of the Parish Council at Littlefield, Tanwood Lane, Bluntington, Chaddesley Corbett DY10 4NR or by email to: w_mack@btinternet.com
- 2.3 Upon receipt of a written complaint, the Clerk (or Chairman in the case of 2.2 above) will acknowledge receipt of the complaint within 7 days and will confirm to the complainant whether the matter will be treated as confidential, and confirm the next steps in the complaints procedure.
- 2.4 On receipt of a written complaint the Clerk or Chairman, will investigate the facts and collate relevant evidence. A complaint against the Clerk or any of the Councillors will be notified to that person giving them an opportunity to comment. All written complaints will be reported to the next Parish Council.
- 2.5 Where the Clerk or Chairman receives a written complaint about their own actions, they will refer the complaint to the Parish Council.
- 2.6 Wherever possible complaints will be deal with by correspondence, agreed between the Clerk and the Chairman.
- 2.7 If necessary, the complainant will be invited to a meeting with the clerk or the Chairman to discuss their complaint in an attempt to settle the matter. The procedure for that meeting will be explained. Before the meeting the complainant should provide the clerk with any new information of other evidence relevant to the complaint.
- 2.8 At the meeting the clerk will explain the council's position and questions may be asked by the complainant. Both parties will be given an opportunity to explain their respective positions.
- 2.9 The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.
- 2.10 A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary from CALC or other sources of legal advice. The complaint will be dealt with at the next meeting after the advice has been received.

After the Complaint has been decided

- 2.11 Within the timeframe specified, the council will write to the complainant to confirm whether or not it has upheld the complaint. The council will give reasons for its decision together with details of any action to be taken by the council if this is appropriate.

3. **CODE OF CONDUCT COMPLAINTS – PROCEDURE FOR DEALING WITH NOTIFICATIONS FROM THE DISTRICT COUNCIL STANDARDS COMMITTEE**

- 3.1 In the event of a complaint about the behaviour of a Councillor, which involves an alleged breach of the Code of Conduct, complainants should be reminded that they may complain to the Ethics and Standards committee of the District Council.

The Standards Committee (England) Regulations 2008 direct that parish and town councils must be notified if a complaint about one of their members is being assessed by the District Council, and must be informed of subsequent significant steps taken in dealing with the complaint.

Protocol.

- 3.2 The district council's monitoring officer will be informed that the parish council's proper officer is the person to whom all information concerning a complaint made against one of its members should be directed, unless the proper officer is the person making the complaint.
- 3.3 The parish council will appoint a panel of members, two of whom will be consulted on receipt of information about a complaint. The council will decide how many members will make up the panel.
- 3.4 On receipt of information, the proper officer will consult two members of the panel who are not involved in the complaint.
- 3.5 If the complainant is the proper officer, he or she will notify all of the members of the panel, in confidence, that the complaint has been made. The panel will choose three from among its members, one of whom will act for the purpose of this protocol as if they were the council's proper officer. This member will then notify the monitoring officer that he or she will receive information regarding the particular complaint, and not the council's proper officer.
- 3.6 The proper officer and the two members will consider what action, if any, needs to be taken, bearing in mind the need to keep the fact of the complaint, and its nature, confidential, until the district council standards committee has published its findings.

Such action may include

- Making arrangements for securing and providing evidence
- Where the complainant is an employee of the council, making appropriate arrangements between the employee and the subject member
- Notifying members of the council by confidential memorandum
- Reporting to the council or a committee if the nature of the information received necessitates a council or committee decision. If such a report is required:
 - The Agenda for the meeting should not identify the subject and nature of the complaint
 - The item should be considered in confidential session
 - The minutes of the meeting should be written in such a way as to preserve confidentiality