

## **COMPLAINTS PROCEDURE**

### **PREFACE**

From time-to-time members of the public may have complaints about the administration or procedures of Cavendish Parish Council. Local councils are not subject to the jurisdiction of the Ombudsman. Complaints may be submitted to the Standards Board for England where there is perceived to be a breach of the Parish Council's (Model Code of Conduct) Order 2001 re the Local Government Act 2000 Part III, particularly the sections dealing with prejudicial interest. Other than that, it is recommended for transparency in local government and for the benefit of good local administration, councils should adopt a standard formal procedure for considering complaints, either made by complainants directly or referred back to the Council from other bodies to whom they have been made. The Code of Practice set out below is based on a recommended model, as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

Councils have been urged to do their utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. Cavendish Parish Council realises that if a complaint cannot be settled by the Council it can refer the complaint to another body for settlement, but an unsatisfied complainant may well try to enlist the services and backing of other individuals and bodies and pursue the complaint at a considerable expenditure of time and other resources to the Council.

Cavendish Parish Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

### **PROCEDURE FOR HANDLING COMPLAINTS**

#### **Complaints about an employee**

If a member of the public has a complaint about an employee of the Parish Council, they should contact the chairman of the Parish Council. The matter will be dealt with internally as an employment matter and appropriate action taken as required.

#### **Complaints about a councillor**

Councillors are subject to the jurisdiction of the Standards Board, and complainants are advised to contact the Monitoring Officer at West Suffolk Council for further information.

#### **Complaints about procedures or administration**

If a member of the public has a complaint about procedures or the administration of the Parish Council, they should contact the clerk of the Parish Council.

### **HANDLING COMPLAINTS ABOUT AN EMPLOYEE OR PROCEDURES/ADMINISTRATION**

#### **Before the meeting.**

- If a complaint is notified orally to a councillor or the clerk of the Council and it is not possible to satisfy the complainant in full immediately, the complainant should be asked to put the complaint in writing to the clerk. If the complainant does not wish to put the complaint to the clerk, they may be advised to put it to the chairman of the Council.
- The clerk shall acknowledge receipt of the complaint. If the complaint can be dealt with straightaway, the clerk to the Council or the chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
- If the complaint cannot be dealt with straightaway, the clerk shall advise the complainant when the matter will be considered by the Council.
- The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

### **At the meeting**

- The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public. If the matter is a complaint against the clerk to the Council such that the Council or the clerk to the Council believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 section 10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
- The chairman shall introduce everyone and explain the procedure.
- The complainant (or representative) shall outline the grounds for the complaint.
- Members may ask any questions of the complainant.
- If relevant, the clerk can explain the Council's position.
- Members may ask any questions of the clerk or employee against whom the complaint has been made.
- The complainant and the person against whom the complaint has been made should be offered the opportunity of the last word.
- The complainant and the person against whom the complaint has been made should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.
- The complainant and the person against whom the complaint has been made shall return to hear the decision, or to be advised when the decision will be made.

### **After the meeting**

The decision reached and the nature of any action to be taken shall be communicated in writing to the complainant within seven working days.

In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant.

This policy was adopted on 13<sup>th</sup> November 2019 and will be reviewed as and when considered appropriate.