

# **CLEEVE PARISH COUNCIL**

## **Complaints Policy and** **Procedures**

Approved by the Parish Council at their meeting on 20<sup>th</sup> May 2014

## **Introduction**

1. It is recognised that mistakes and misunderstandings do happen.
2. This document outlines the aims of Cleeve Parish Council with regard to the management of complaints.

## **Definition**

3. For the purpose of this policy and procedure a complaint is defined as:  
‘any expression of discontent that requires a response’.

## **General Principles**

4. When the complainant first contacts the council they should be encouraged to put their concerns in writing addressed to the clerk or to the Chairman (where the complaint concerns the conduct of the Clerk) of the council.
5. Complaints will be acknowledged by the Clerk or Chairman within three working days of receipt.
6. Complainants will be advised on the outcome of their complaint within 14 working days and advised on how they may appeal to the Local Government Ombudsman should they remain dissatisfied.

## **Types of complaint**

7. There are five types of complaint received by the council:
  - (i) Complaints regarding goods and services provided by the council;
  - (ii) Complaints regarding the council’s procedures or administration;
  - (iii) Complaints regarding individual councillors or chairman;
  - (iv) Complaints regarding the Clerk or other employees of the council; and
  - (v) Internal complaints

## **Goods and Services**

8. General complaints about goods and services including may be made in writing directly to the clerk. The Clerk will investigate the matter and provide a response directly to the complainant. The Clerk will report receipt of the complaint and the outcome to the next available meeting of the council.
9. Where the complaint refers to the services provided by another council, the Clerk (with the permission of the complainant) will forward the matter to a named officer of that council and request a copy of the response subsequently provided to the complainant.

## **Procedures or administration**

10. Complaints regarding the council's procedures or administration shall be handled in accordance with the guidance provided by the National Association of Local Councils. Legal Topic Note 9 (LTN9) attached outlines the procedure to be followed, before, during and following a meeting of the council – attached as appendix A.

## **Individual Councillors or the Chairman**

11. In accordance with the council's code of conduct, all complaints regarding the conduct of individual councillor or the chairman are to be referred to North Somerset Council Monitoring officer and where appropriate will be considered by the Standards board.
12. Where the complaint is received by the clerk, he will immediately forward the matter to the Monitoring Officer and notify the Chairman and/or Vice Chairman that a complaint has been received.

## **The Clerk or other employees**

13. Complaints about the Clerk should be addressed to the Chairman and dealt with by the Council. In the event that the complaint is deemed (by Chairman and vice Chairman) to be of sufficient gravity the matter will be referred to the Full Council for investigation/consideration.
14. Complaints about the clerk will be managed with due regard for the human resources policies (including the disciplinary policy) of the council.
15. The outcome of the complaint will be reported to a meeting of the full council in closed session.

## **Internal Complaints**

16. Where a member of the Council or the clerk have an issue with another member or the clerk, the parties should do all that they can to resolve matters amicably.
17. Where agreement cannot be reached then either party may refer the matter by letter or email to the Chairman and vice chairman but must ensure the other party or parties is simultaneously issued with a copy of that same letter or email.
18. Where the complaint involves either the Chairman or Vice Chairman, the complainant should write to the uninvolved member (Chair or vice chairman) who will then refer the matter for the attention of the Finance Group. Where either the Chairman or vice Chairman is involved in the complaint **and** is a member of the Finance Group, that person will stand down from the group in

matters involving any investigation, recommendation or decision on the matter.

## **Confidentiality**

- 19.** Information regarding complaints, and about all the people involved is strictly confidential. Any information is only disclosed to those with a demonstrable need to know in line with the Data Protection Act (1998) and the Freedom of Information Act (2000).

## COMPLAINTS PROCEDURE

### Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### At the Meeting

6. 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.
7. The chairman should introduce everyone and explain the procedure.

8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer and the complainant 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 shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### **After the Meeting**

16. The decision should be confirmed in writing within seven working days together with details of any action to be taken.