

## SMALLEY PARISH COUNCIL COMPLAINTS PROCEDURE

Adopted by Full Council on 19<sup>th</sup> June 2023

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
3. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
4. If a complaint about procedures, administration or the actions of any 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 the name and contact details of the complainant and the nature of the complaint.
5. The complainant will be asked to put the complaint in writing (by letter/email/standard form) to the Clerk to the Council [clerk@smalleyparishcouncil.co.uk](mailto:clerk@smalleyparishcouncil.co.uk) If the complaint concerns the Clerk, to the Chairman of the Parish Council. A 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.
6. The complaint will be acknowledged within seven (7) days of receipt. The acknowledgement will detail
  - That the complaint will be treated as confidential,
  - Who will deal with the complaint,
  - The timeframe for investigating the complaint,
  - When and how the complainant can make verbal representations,
  - Who will decide the complaint,
  - The timeframe for decision and
  - Whether the decision can be appealed and an explanation of the appeal process.
7. On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk) will notify the person complained about and give him or her an opportunity by negotiation. Efforts should be made to resolve the complaint at this stage.
8. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next appropriate meeting of the Council.
9. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to

explain the complaint to the Council orally. The complainant will be entitled to bring with them representatives and or individuals to support them.

10. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
11. At least seven (7) days prior to the meeting, the Complainant shall provide the Council with copies of documentation or other evidence which they wish to rely on at the meeting.
12. At least seven (7) days prior to the meeting, the Council shall provide the complainant with copies of documentation or other evidence which it wishes to rely on at the meeting.
13. Procedure at the meeting
  - Chairman to introduce everyone.
  - Chairman to explain procedure.
  - Complainant (or representative) to outline grounds for complaint.
  - Members to ask any question of the complainant.
  - If relevant, Clerk or other Proper Officer to explain the Council's position.
  - Members to ask any question of the Clerk or other proper officer.
  - Clerk or other Proper Officer and complainant to summarise.
  - The Clerk or other Proper Officer and complainant to be asked to leave the room while members decide whether or not the grounds for complaint have been made. (If a point of clarification is necessary, both parties are to be invited back).
  - The Clerk or other Proper Officer and complainant return to hear the decision, or to be advised when decision will be communicated.
14. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
15. As soon as possible after the decision has been made (and in any event not later than seven (7) days after the meeting) the complainant will be notified in writing of the decision, the reasons for the decision, any action to be taken and rights of appeal.
16. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice or information is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received