

MISTERTON PARISH COUNCIL

COMPLAINTS PROCEDURE

1. On receipt of a complaint, the Clerk, in consultation with the Chairman will determine the category of the complaint and take the relevant action with reference to the following:

Complaint category Action

| | Complaint category | Action |
|---|---------------------------|---|
| A | Financial irregularity | The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk/RFO may need to consult the auditor/Audit Commission. If the complainant is not satisfied, the Clerk/RFO should advise the complainant of the local elector's right to object. |
| B | Criminal activity | The Clerk should refer the complainant to the Police |
| C | Member conduct | If the complaint refers to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the District Council's Monitoring Officer. |
| D | Employee conduct | As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure |
| E | Other | Should be dealt with in accordance with the complaints procedure subject to initial assessment. |

Initial Assessment - Category E Complaints

2. Category E Complaints are defined as any 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.

3. Category E Complaints will be considered at the discretion of the Clerk, in consultation with the Chairman of the Council. After consultation with the Chairman, the Clerk will only invoke the Complaints procedure and take further action where it is considered appropriate in all the circumstances. Complaints will be assessed as inappropriate if any of following apply (this is not an exhaustive list):

- where the complaint relates to a decision of the council which is over 12 months old.
- where insufficient information has been provided by the complainant for the committee to deal with the complaint.
- where the complaint is considered to be repetitive or broadly similar to previous complaints by the complainant about the same matter which have been addressed by the council or committee.
- where the complainant is considered vexatious, politically motivated or malicious in accordance with relevant Local Government guidance.
- where the complaint is considered frivolous or where the complaint is abusive or threatening.
- where the complaint is considered inappropriate in all the circumstances.

If a complaint is not considered appropriate in accordance with Clause 3, the Clerk will write to the complainant and advise that no further action will be taken. If the complainant is unhappy with the assessment of the Clerk they can ask for the decision to be reviewed by the Chairman of the Strategic Review Committee.

4. Subject to Clause 3 the complainant should be asked to put the complaint about the Council's action or lack of action or standard of service in writing to the clerk or other nominated officer.

5. 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 Committee.

Assessment Procedure- Pre Meeting

6. Subject to Clause 3 the Clerk, in consultation with the Chairman of the Strategic Review Committee, shall acknowledge receipt of the complaint and shall address the complaint by way of written correspondence.

7. If the complainant is unhappy with the written decision of the Clerk and Committee Chairman they can request that it can be reviewed by the Strategic Review Committee which has been established for the purpose of hearing complaints. The Strategic Review Committee consists of 5 members of the Parish Council together with the Chairman and Vice Chairman of the Council. The Committee will consider the complaint and decide whether the complaint is to be upheld or denied.

8. 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 on the committee agenda.

9. The complainant shall be invited to attend a meeting of the committee and to bring with them a witness if they wish.

10. 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.

Procedure- At the Meeting

11. 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 committee meeting in public.

12. The chairman of the committee should introduce everyone and explain the procedure.

13. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.

14. 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.

15. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

16. 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.

17. 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.

Post Meeting Procedure

18. The decision should be confirmed in writing within fourteen days together with details of any action to be taken.

Adopted 13th September 2011