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# **Wickham St Pauls Parish Council**

## **Complaints Procedure**

## **1. Introduction**

This policy sets out how to raise a complaint with the Parish Council about its administration and procedures. Complaints against policy decisions made by the Council shall be referred back to the Council (but note paragraph 33 of the Council's Standing Orders which states that issues shall not be re-opened for six months.)

## **2. Complaints against Councillors**

The conduct of Councillors is covered by the Parish Councils (Model Code of Conduct) (England). Complaints should be addressed to the Monitoring Officer, Braintree District Council, Causeway House, Bocking End, Braintree CM7 9HB.

## **3. Complaints against Council Staff**

A formal complaint is a serious matter. A complaint against a member of the Council's staff could result in disciplinary action; or in cases of gross misconduct, dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence or discussion with any complainant about any action taken, formally or informally against any member of its staff. This is to expressly protect the employment rights to which employees of the Council are entitled.

## **4. Informal Complaint**

Informal complaints should be made to the Clerk by telephone, email or in person. If the complainant does not wish to advise the Clerk, they may contact the Chairman.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that, on occasions, if an informal approach has not resolved the complaint, or the initial complaint is so serious, then the formal complaints process should be followed.

Complaints raised on social media will not be accepted or responded to under the parish council's complaints procedure.

## **5. Formal Complaints Procedure**

The Clerk to the Council is responsible for managing the formal complaints process. The Clerk is the senior officer of the Council, effectively its Chief Executive. If a formal complaint is being raised against the Clerk, then the process as detailed should be followed but the Chairman of the Council should be informed instead of the Clerk.

- 5.1 A formal complaint can only be submitted in writing to the Clerk at the Council's address. The Council encourages contact by email and telephone, but as a formal complaint is a serious matter it will only accept these in writing.
- 5.2 The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt of the complaint within five working days.
- 5.3 The Clerk will carry out an initial investigation into the complaint and will, within ten working days, provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed. The Clerk will report to the Council, through the Clerk's report, summary details of the complaint and a brief summary of its resolution.
- 5.4 The Clerk shall bring any written complaint that has not been settled to the next meeting of the Council. The Clerk shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered an opportunity to explain the complaint orally. (Unless such a matter may be related to Grievance & Discipline proceedings (in the case of the Clerk) or Standards Board Proceedings (in the case of a Councillor) that are taking, or likely to take place when such a hearing may prejudice those hearings, when the complaint will have to be heard under Exempt Business<sup>1</sup> to exclude any member of the public or the press, or deferred on appropriate advice received.)
- 5.5 Copies of any documentation relating to the complaint should be made available to the Council and the complainant, seven working days prior to the meeting.
- 5.6 The 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. The complaint shall be dealt with at the next meeting after the advice has been received.
- 5.7 The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.

<sup>1</sup> Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 ss100 & 102

- 5.8 The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.

- The complainant (or representative) shall be invited to outline the grounds for the complaint and Members given the opportunity to ask any question of the complainant.
- If relevant, the Clerk will explain the Council's position and Members shall ask any questions of the Clerk.
- The complainant is to be offered the opportunity of a last word as a means of summing up their position.
- The Clerk is to be offered the opportunity of a last word as a means of summing up their position.
- The Clerk and complainant shall 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 should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

If the decision is not made at the meeting, as soon as practicable after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.

In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council shall consider taking legal advice before responding formally to the complainant.

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

### **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 complainant 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 another 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**

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

Re-Adopted

Date 23<sup>rd</sup> May 2023

Minute reference 23/067 Item F

Signed .....Chairman

Review Date: May 2024