

HARLTON PARISH COUNCIL

PROCEDURE FOR HANDLING COMPLAINTS

Harlton Parish Council (HPC) will adopt the following complaints procedures (page 1-3) for dealing with complaints received about the administration of the council or its procedures to ensure that the good reputation of the council is upheld through a fair and transparent process.

The Council has adopted a Code of Conduct for councillors, which is available on the Council's website and on request from the parish clerk (see contact details below).

The council's procedure for dealing with complaints about the code of conduct of a Member of the Parish council is outlined on page 4 and 5 of this document.

Complaints about an employee of the council (i.e. the clerk) should be addressed to the Chair of the Council (see page 3).

The first task is to determine exactly what the complaint is

A complaint is defined here as an 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, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council. Complaints about a policy decision made by the council will be referred back to council, or relevant Committee, as appropriate, for consideration.

Confidentiality

Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

Code of Practice

The following code of practice will be followed for those complaints which cannot be resolved by less formal measures or explanations provided to the complainant by the clerk (or other nominated officer) or chairman.

The clerk (or other nominated officer) at the meeting represents the position of the council. If the clerk (or other nominated officer) puts forward justification for the action or procedure complained of, he or she should not advise the council or committee, as they need to determine the matter themselves

Before a Meeting

The complainant will be asked to put the complaint about the council's procedures or administration in writing to Clerk to the Council, Kim Quince by letter to: *15 Haslingfield Road, Harlton CB23 1ER* or e-mail clerk@harltonparishcouncil.org.uk

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The complaint will be dealt with within (*specify time e.g. 14 or 21 days* in days) of receipt, although some flexibility may be required to deal with lengthier and more complex complaints.

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.

If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she will be advised to address it to the chairman of the council (because the matter relates to the clerk for example)

The clerk or other nominated officer shall acknowledge receipt of the complaint and will advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. Efforts, however, should be made to resolve the complaint directly with the complainant at this stage. This will not be done without first notifying any person complained about and giving him or her opportunity to comment.

The Clerk to the Council (or chair) will report any complaint resolved by direct action with the complainant to the next meeting of the council.

The Clerk to the Council (or chair) will report any complaint that has not been resolved to the next meeting of the council. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

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

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.

The chairman should introduce everyone and explain the procedure.

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.

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.

The clerk or other nominated officer and then the complainant will be offered the opportunity to summarize their position.

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The clerk or other nominated officer and the complainant will 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. The clerk or other nominated officer and the complainant will be given the opportunity to wait for the decision. However, if the decision is unlikely to be finalized on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

The complainant will be notified in writing of the decision and any action to be taken within 7 days of the meeting, whereby a decision has been made.

Council will consider the engaging the following procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission
Criminal activity	The Police
Members conduct	Investigation by Harton Parish Council 'Standards Committee' and/ or Monitoring Officer, SCDC via the Standards Complaints form (which can be downloaded from the Councils website) if 'a case to answer' is established
Employee conduct	Internal disciplinary procedure

Complaints about an employee of the council (i.e. the clerk) should be addressed to the Chair of the Council and will be dealt with as an employment matter. The complainant can be assured that the matter will be investigated and dealt with through employment discretionary procedures. Complaints received from an employee (i.e. the clerk) about their employer (the parish council) will be handled in accordance with current advice issued by ACAS. Likewise, there is also set procedure for handling discipline at work, when the employer (the parish council) has an issue with the employee (the clerk)

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CODE OF CONDUCT: COMPLAINTS PROCEDURE

The council will adopt the following procedure for dealing with complaints governing any breach of the Code of Conduct (which takes effect from 1 July 2012 (adopted by Harlton Parish Council (HPC) October 2012) by a council member:

1. Complaints in the first instance should be made in writing to the Clerk to the Council, 15 Haslingfield Road, Harlton or email clerk@harltonparishcouncil.org.uk
2. Upon receipt of a written complaint the Clerk will advise the complainant that the councillor(s) against whom the complaint(s) is made will be given 5 working days to offer a response and that response will be copied to the complainant within 24 hours of such receipt.
3. The complainant will be given 48 hours to consider the response after which time the Clerk will ask whether the complainant is satisfied or whether an additional letter of apology from the councillor(s) would resolve the matter or whether further action is required.
4. If the complainant remains dissatisfied then the Clerk shall inform the Chair (or Vice-Chair if the Chair is the subject of complaint) of such and the Chairman shall convene a 'Standards Committee' meeting (see paragraph 5 below) within 10 working days.
5. Standards Committee shall comprise of a Chairman (not necessarily the Chair of the Council but one appointed to the role by the Council); two other Parish Councillors and two independent persons (appointed by HPC) with an understanding of the Code (such persons might be PC's from neighbouring villages) who shall receive (£50) each for their time/expenses.
6. The Standards Committee shall deliberate impartially and decide whether or not there is a case to answer. If "no case to answer" the complainant shall be so advised by the Clerk together with notice that they have a right to approach the District Council's Monitoring Officer (Monitoring.Officer@scams.gov.uk). If "a case to answer" then the Standards Committee shall decide upon one or other of the following sanctions:
 - A letter of apology or
 - A letter of apology plus additional training; or
 - Censure by the Parish Council (such will be advised by the Clerk to both the complainant (who will still have the right to seek the Monitoring Officer's opinion) and to the Councillor(s) who, having accepted the complaints procedure, is deemed to have accepted the sanction).

Complaints pertaining to: "breach of Regulations (as laid down by Government and carrying criminal penalties)" paragraphs numbered 1 and 2 above apply. Upon receipt of the response the Clerk shall advise the Chairman (or Vice-Chairman) of the need to convene a meeting of the Standards Committee (**composition as in paragraph 5 above**)

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within 10 working days, and at such time the Clerk will also send copies of the complaint and response to the Monitoring Officer (MO) and explaining that: the findings and recommendations of Harlton Parish Council (HPC) Standards Committee shall be advised to them (the MO) for approval or correction or advice of “other action required” before either the complainant or councillor is notified.

The complainant and councillor shall only be notified of the outcome if approval is gained from the MO. If the MO recommends another course of action – if criminal proceedings, for example, are likely – then HPC will take whatever action is advised.