

# **MELTON ROSS AND NEW BARNETY PARISH COUNCIL**

## **Handling Complaints Policy**

**DRAFT**

For Adoption: Full Parish Council Meeting 25 September 2023

Date of next review: May 2024

## Melton Ross & New Barnetby Parish Council Handling Complaints Policy

### Preface

NALC Legal Topic Notice state that the LGO offers the following definition:

*'A complaint is an expression of dissatisfaction ... 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.'*

It will not be appropriate to deal with all complaints from members of the public under a complainant's procedure. Councils should consider engaging other procedures /bodies in respect of the following types of complaint:

Type of conduct	Refer to
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s.27 (1) of the Local Audit and Accountability Act 2014).
Alleged criminal activity	The police.
Members' conduct alleged to breach the code of conduct adopted by the council.	The district or the unitary council (which includes a London borough council) is responsible for handling complaints that relate to a member's failure to comply with the council's code of conduct.

### Receiving the complaint

On receipt of a written complaint the Clerk or Chair, as appropriate, shall (except where the complaint is about the Clerk), try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor.

If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.

If a complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Chair of the Council.

The clerk or chair shall:

- acknowledge receipt of the complaint in writing within the seven working days;
- confirm to the complainant if the complaint will be treated as confidential (which is the most likely to be the case) and if the complaint will be considered by the Council or by the Personnel and Disciplinary Committee
- confirm the next steps in the complaint's procedure.

### **Investigating the complaint**

The council will need to investigate the facts of the complaint and collate relevant evidence.

Where the Chair receives a written complaint about their own actions, they shall refer the complainant to the local Standards Committee at North Lincolnshire Council. Where the Clerk receives complaint about their behaviour they shall refer it to the Chair or Personnel and Disciplinary Committee.

Where a member of the public wishes to complain about an individual Councillor, they shall be referred to the local Standards Committee at North Lincolnshire Council.

Complaints about the Clerk will be dealt with under the Council's employment policies and procedures.

The complainant should be invited to a meeting with the clerk or chair, or as the case may be, to a meeting of the Full Parish Council.

### **Before the Meeting**

The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant, therefore this will be listed on the meeting agenda.

The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and 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.

Seven clear working days prior to the meeting, The complainant shall provide the clerk or chair, with any new information or other evidence relevant to the complaint.

Seven clear working days prior to the meeting, the clerk or chair, shall provide the complainant with new information or evidence relevant to the complaint.

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 any complaint warrant the matter being discussed in the absence of the public and press but 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 Chair and then (ii), members.

The Clerk or Chair 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 Chair and then the complainant should be offered the opportunity to summarise their position.

The Clerk or Chair 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.

The Clerk or Chair 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. 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 from the Association. This complaint shall be dealt with at the next meeting after the advice has been received.

## **After the Meeting**

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