

## **Complaints Policy and Procedure... review**

### **PURPOSE OF REPORT**

1. To provide Cllrs with an opportunity to review the Council's Complaints Policy and Procedures.

### **RECOMMENDATION:**

2. That the Council reviews and re-adopts the three documents:
  - Complaints Policy,
  - Complaints Procedure, and
  - Code of Conduct for Members

### **BACKGROUND**

3. The Council's Complaints Policy and Procedure were approved and adopted by Council in Sept 2016 (Appendices A and B respectively). In accordance with the decision from that meeting these two documents were posted on the Hannington Parish Council website under 'Governance'.
4. Para 8 of the Complaints Policy states "As part of the Parish Council's 'governance' documents, this policy will be reviewed on an annual basis".
5. The creation of the policy and procedures was prompted by an email from a resident that could have been construed as a complaint against an action taken by the Clerk. This 'complaint' was investigated by the Chairman. He advised the resident of the process that had been followed, and that he had concluded the 'complaint' against the Clerk was unfounded. The issue was reported to Council at the soonest opportunity.
6. There have been no other 'complaints' with regards the Clerk.

#### **Code of Conduct for Members**

7. Attached at Appendix C is the Code of Conduct for Councillors. This was adopted by the Council in 2012. The Code of Conduct has been posted on the Hannington Parish Council website under 'Governance'.
8. There have not been any issues raised with regards the behaviour of any Councillor.

Chris Pottinger,

Clerk, Hannington Parish Council

5<sup>th</sup> September 2017

## **Complaints Policy of Hannington Parish Council**

1. Hannington Parish Council [HPC] views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person [or organisation] that has made the complaint.
2. Our policy is:
  - To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
  - To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
  - To make sure everyone at Hannington Parish Council knows what to do if a complaint is received
  - To make sure all complaints are investigated fairly and in a timely way
  - To make sure that complaints are, wherever possible, resolved and that relationships are repaired
  - To gather information which helps us to improve what we do

### **Definition of a Complaint**

3. A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of Hannington Parish Council, its employees or its Members.

### **Where Complaints Come From**

4. Complaints may come from any person or organisation who has a legitimate interest in Hannington Parish Council.
5. A complaint can be received verbally, by phone, by email or in writing.

### **Confidentiality**

6. All complaint information will be handled sensitively, telling only those who need to know, and following any relevant data protection requirements.

### **Responsibility**

7. Overall responsibility for this policy and its implementation lies with the Chairman of the Parish Council.

### **Review**

8. As part of the Parish Council's 'governance' documents, this policy will be reviewed on an annual basis.

Approved by Council September 2016

## **Complaints Procedure of Hannington Parish Council**

9. Written complaints may be sent to Cllr Simon Taylor, Chairman, Hannington Parish Council at 7, Oakley Road, Hannington, Tadley, Hampshire. RG265TU or by e-mail at [simon@sbtproperty.co.uk](mailto:simon@sbtproperty.co.uk). Verbal complaints may be made by phone to 01635 299629.
10. If the complaint is against the Chairman, the complainant may send the complaint to the Clerk, Wayfarers Cottage, White Lane, Hannington, Tadley. Hampshire; [chrispottinger@live.co.uk](mailto:chrispottinger@live.co.uk); 01256 780136 .

### **Receiving Complaints**

11. Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.
12. Complaints received by telephone or in person need to be recorded. The person who receives a phone or in person complaint should:
  - Write down the facts of the complaint
  - Take the complainant's name, address and telephone number
  - Note down the relationship of the complainant to the Parish Council (for example: client, member)
  - Tell the complainant that we have a complaints procedure
  - Tell the complainant what will happen next and how long it will take
  - Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

### **Resolving Complaints**

#### ***Stage One***

13. In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate.
14. Whether or not the complaint has been resolved, the complaint information should be passed to the Chairman of the Parish Council within one week.
15. On receiving the complaint, the Chairman records it in the complaints log. If it has not already been resolved, they delegate an appropriate person to investigate it and to take appropriate action.
16. If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond.
17. Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaints procedure should be attached.
18. Ideally complainants should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.
19. Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

### ***Stage Two***

20. If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed at Council level. At this stage, the complaint will be passed to the Clerk if it has been dealt with by the Chairman, or by the Chairman, if it has been dealt with by the Clerk
21. The request for Council level review should be acknowledged within a week of receiving the Stage Two complaint. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.
22. The person who receives Stage Two complaints will investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One.
23. If the complaint relates to a specific person, they should be informed and given a further opportunity to respond.
24. The person who dealt with the original complaint at Stage One should be kept informed of what is happening.
25. Ideally complainants at Stage Two should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, or there is not a suitable Council meeting within that time span, a progress report should be sent with an indication of when a full reply will be given.
26. Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
27. **The decision taken at this stage is final**, unless the Council decides it is appropriate to seek external assistance with resolution.

### **Reporting of the Complaint**

28. In addition to the Complaint being formally logged, the nature of the complaint, the outcome and any 'lessons learned' will be formally minuted at the next appropriate meeting of the Council, taking into account the need for confidentiality etc.

### **Variation of the Complaints Procedure**

29. The Council may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as the person leading a Stage Two review (see suggestion above re Clerk).

### **Monitoring and Learning from Complaints**

30. Complaints are reviewed annually to identify any trends which may indicate a need to take further action.

**On a related matter, the Parish Council is reminded that Standing Order 25 deals with "Allegations of Breaches of the Code of Conduct". This Standing Order applies to Councillors.**

Chris Pottinger,  
Clerk, Hannington Parish Council

## **Appendix C**

### **CODE OF CONDUCT FOR PARISH COUNCILS**

This Code applies to you as a member of Hannington Parish Council when you act in your role as a member. You are expected to familiarise yourself with the requirements of this Code and to adhere to those requirements.

#### **PART 1 - GENERAL PROVISIONS**

##### **Introduction and interpretation**

1. (1) This Code applies to all members of Hannington Parish Council ("the Council") including co-opted members.
- (2) You should read this Code together with the Nolan Principles of Public Life [see (a) to (g) below], and these principles should be used as a guide to interpretation of this Code and to assist in determining whether a breach of this Code has occurred. The Nolan Principles of Public Life are as follows:

- (a) **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

- (b) **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- (c) **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- (d) **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- (e) **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(f) **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(g) **Leadership**

Holders of public office should promote and support these principles by leadership and example.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code:

(a) "meeting" means any meeting of—

(i) Hannington Parish Council;

(ii) any of the Council's committees, sub-committees, joint committees, joint sub-committees, or area committees

(b) "member" includes a co-opted member and an appointed member.

## **General Obligations**

2. (1) You must treat others with respect.

(2) You must not:

(a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's Code of Conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, Hannington Parish Council.

3. You must not:
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
5. You:
  - (a) must not use or attempt to use your position as a member of Hannington Parish Council improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority:
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 <sup>1</sup>.
6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by Hannington Parish Council's Clerk and any external advisors

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<sup>1</sup> 1986 c.10.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by Hannington Parish Council.

## **PART 2 – INTERESTS**

### **7. Disclosable Pecuniary Interests**

- (1) You have a disclosable pecuniary interest if:
  - (a) such interest is one which is specified by regulations made from time to time by the Secretary of State (and the current specified interests are those set out in Annex 1 hereto); and
  - (b) it is an interest of yours, or
  - (c) it is an interest of:
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if you were civil partnersand you are aware that that other person has the interest.

### **8. Disclosure of Pecuniary Interests**

- (1) Subject to sub-paragraphs (2) to (3), where you have a disclosable pecuniary interest in any business of Hannington Parish Council and you attend a meeting of the Council at which the business is considered, you must disclose at the beginning of that meeting the existence and nature of that interest.
- (2) Where you have a pecuniary interest in any business of Hannington Parish Council and a function of your Council may be discharged by you acting alone in relation to that business, you must:
  - (a) ensure you notify the Clerk of the existence and nature of that interest.
  - (b) If the interest has not already been recorded notify the Clerk of the interest within 28 days beginning with the date of the meeting.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of a pecuniary interest.

### **9. Effect of pecuniary interests on participation**

- (1) Subject to sub-paragraph (2), where you have a pecuniary interest in any business of Hannington Parish Council:
  - (a) you must withdraw from the room or chamber where a meeting considering the business is being held:



- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority;

- (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a pecuniary interest in any business of Hannington Parish Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
  - (3) If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).
  - (4) It is a criminal offence if you fail to register or disclose a pecuniary interest.

### **PART 3 – REGISTRATION OF MEMBERS' INTERESTS**

#### **Registration of members' interests**

- 10. (1) Subject to paragraph 11, you must, within 28 days of:
  - (a) this Code being adopted by or applied to Hannington Parish Council; or
  - (b) your election or appointment to office (where that is later),register in the Council's Register of Members' interests (maintained under section 29(1) of the Localism Act 2011) details of:
  - (i) disclosable pecuniary interests where they fall within a category mentioned in paragraph 7(1) in so far as you are aware of the interest at that time and
  - (ii) such other pecuniary and non pecuniary interests as from time to time referred to on the Register of Members interest form.
- (2) Subject to paragraph 11, you must, within 28 days of becoming aware of any new pecuniary interest or change to any pecuniary interest registered under paragraph (1), register details of that new pecuniary interest or change by providing written notification to Hannington Parish Council's Clerk.

#### **11. Sensitive Interests**

- (1) Where you are concerned that disclosure of the detail of an interest, either a disclosable pecuniary interest or any other interest, which you would be required to disclose at a meeting or on the register of members' interests would lead to you or a person connected to you being subject to violence or intimidation, you may request the Clerk to agree that the interest is a "sensitive interest".
- (2) If the Clerk is in agreement, you will be required to disclose that you have a disclosable pecuniary interest, but not the detail in the matter concerned at meetings, and the Clerk can exclude the detail of the interest from the published version of the Register of Members' interests.

Approved by Hannington Parish Council on \_\_\_\_\_

Signed by: \_\_\_\_\_ Tim May, Chairman