

# East Halton Parish Council Complaints Procedure

## 1. Introduction:

1.1 East Halton Parish Council aims to provide a good service to residents of the Parish and to anyone who deals with the Council. It aims to conduct its business in a fair and equitable way, to investigate complaints promptly and impartially, and to reach a solution which is satisfactory to both the complainant and the Council.

1.2 This complaints procedure does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour or conduct of an individual Councillor you must contact:

The Monitoring Officer, ERNLLCA

1.3 The Councillors' Code of Conduct can be viewed on the Parish Council's website.

## 2. Scope of this protocol:

This protocol describes how the Parish Council will deal with a complaint from members of the public or the Council about the Council's actions, decisions, administration or procedures, or those of its committees, subcommittees or working groups; or about the standard of a service provided by the Council or a person acting on its behalf. This procedure is not an appropriate instrument for a complaint against individuals.

**3. Other types of complaint** are handled outside this procedure.

A complaint about:

3.1 - **Financial irregularity** will be handled by the Council's auditor or the Audit Commission;

3.2 - **Criminal activity** will be reported to the police;

3.3 - **Members' conduct** will be dealt with by the Monitoring Officer and standards committee of the Principal Authority, Teignbridge District Council;

3.4 - **Employees' conduct** will be dealt with under the Council's own disciplinary procedures.

## 4. Vexatious complaints:

**4.1** Vexatious complaints are unreasonable complaints, enquiries or interventions that are repeatedly or obsessively pursued. The Council may have to initiate further action by referring such a complainant to the Principal Authority if the complainant behaves in ways which can impede the investigation of a complaint or the functioning of the Council, create a need for significant extra resource, hinder the processing of complaints for others, or are offensive, abusive or threatening.

**4.2** The Chair may need to seek the approval of the full Parish Council to restrict or refuse any further contact with a person making vexatious complaints or behaving unreasonably.

## **5. Queries, requests and comments:**

The Council receives queries, requests and comments, and deals with problems arising in the parish as part of its day to day work. The council aims to deal with problems promptly, by providing information, instigating the appropriate action or explaining a decision. It would clearly be unhelpful and inappropriate to treat every such comment or problem as a complaint.

## **6. Substantive complaints:**

6.1 That said, all substantive complaints made to the Clerk or Chair, whether in writing, by telephone, by email or in person verbally, will be properly investigated. Complaints made anonymously will not be pursued or investigated. If a complaint is made to a Councillor it is their duty to refer the complaint on to the Clerk or the Chair of the Council with full details.

6.2 The aim of the Council is to manage each case promptly, consistently, fairly and respectfully, and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.

6.3 The Council will aim to keep open the lines of communication, clarify the reason for its actions and decisions, offer relevant support for a complainant with special needs, and suggest that an independent supporter is present with the complainant at any meeting.

## **7. Procedure for managing a complaint:**

7.1 In the first instance, the Clerk or Chair of the Council, as appropriate, will speak directly with the complainant to hear the details of their complaint. They will attempt to resolve the complaint informally, with a meeting if necessary, and to ensure that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly. The Clerk or Chair will keep detailed contemporaneous records of all complaints, conversations, communications and advice, by opening a stand alone record, password protected if filed electronically, on each complaint, in compliance with current data protection legislation.

7.2 If the Clerk or the Chair cannot resolve a complaint in an informal way, then the further arrangements provided for in this Complaints Procedure will be instigated.

7.3 The complainant will at this stage be asked to put their complaint about the Council's procedures, decisions or administration in writing if they have not already done so. The Council will offer the complainant assistance in this task if requested. If the complainant does not wish to put the complaint to the Clerk, for example if the complaint is about the Clerk, they will be advised to contact the Chair of the Council.

7.4 A letter of complaint should contain the following information:

- Name, postal address, email address and telephone number of the complainant
- Details of the complaint about the Council's procedure, decision or administration
- How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes would resolve the complaint

7.5 The Clerk or Chair will acknowledge receipt of the complaint within three working days and will advise the complainant when the matter is to be heard. In order to hear complaints promptly, the Chair will appoint a complaints panel to act for the Council. This also ensures that other councillors remain available, having not previously heard the complaint at a formal hearing, to hear any appeal that may arise.

7.6 The complainant will be invited to attend the hearing and to bring with them a representative or a supporter if they wish. The timing of the hearing should be set in liaison with the complainant to allow them reasonable opportunity to attend. The complainant will be informed whether the hearing is to be treated confidentially or held in public. Hearings will usually be held in public, but the Chair of the Panel has discretion to hold all or parts of the hearing in closed, confidential session, depending on the particular circumstances of the complaint.

7.7 The complainant will be provided with a copy of this Complaints Procedure.

## **8. The Complaints Panel:**

8.1 The Complaints Panel will comprise the Clerk of the Council and at least two parish councillors, one of whom will usually, but not necessarily, be the chair of the Council. It will be convened by the Clerk or the Chair, and chaired by the Council Chair or nominated Councillor as appropriate.

8.2 Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

## **9. At the Complaints Panel hearing**

9.1 The Chair of the Panel should introduce all those present and explain the procedure. The Clerk will keep a detailed record of the hearing proceedings. The Chair will assure the complainant of confidentiality with personal details.

9.2 The complainant, or their representative, should describe in detail the events leading up to their complaint, and summarise their grounds for complaint. Members of the panel may then ask questions of the complainant. The Chair of the Panel will present the Council's position relating to the complaint, if necessary, and explain any policies or protocols which apply. They will suggest other complaint routes available if it turns out that the complaint is outside the Council's remit.

9.3 They will explain what action has so far been taken within the Council's remit to resolve the complaint. The complainant and panel members may then ask questions.

9.4 The Chair of the Panel and the complainant will be offered the opportunity to summarise their position and make any further statements.

9.5 The complainant will be asked to leave the room while the panel discusses the complaint and decides if any further information, from the complainant or others, is required. If no further information is required, the complainant is recalled, and told when they can expect to receive the panel's determination. The hearing ends.

## **10. After the hearing**

10.1 The panel will then work to determine in closed session following straight on from the hearing whether or not sufficient grounds have been made to uphold the complaint, or particular aspects of the complaint. The panel will also need to decide what lessons, if any, have been learned from the complaint; and what measures, if any, the Council should be advised to take as a result of the complaint. An estimated date for the panel's decision will be given to the complainant.

10.2 A detailed draft written report of the hearing proceedings, the determination, the lessons learned and the measures to be taken will be made and circulated to panel members in confidence for comment within 48 hours of the hearing. The final version, to be approved by the panel chair, will be sent to the complainant within seven clear days of the hearing. The determination on a complaint shall be announced at the next Council meeting in public, after the appeal period has passed. The Chair will, if the circumstances require it, use their discretion to anonymise the report with respect to the complainant's name and other personal details, or to maintain confidentiality for third parties, in the public session.

## **11. Appeals**

11.1 Should the complainant not agree with the decisions of the Complaints Panel, they may appeal within 14 days of receiving the result of the proceedings. Two councillors not previously involved in handling the complaint will be nominated by the Chair to examine the appeal as an Appeal Panel. They should, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint by reference to the documentation provided to the hearing, the Council's policies and protocols, records made of the hearing, and the written report of the proceedings and determination; and make a judgment on whether the appeal should be upheld.

11.2 If in the opinion of the Appeal Panel procedures were correctly handled by the Council, the appellant will be notified that the appeal has not been successful. If the Appeal Panel's judgment is that the complaint was not handled correctly, it must be referred back for further consideration at a meeting of the full Council. The appellant should be notified of the result of the appeals process within fourteen days of the Appeal Panel reaching a decision.

11.3 Should the appellant still be dissatisfied with the Council's decisions or response, they will be advised to appeal their complaint to the Monitoring Officer at North Lincolnshire Council for further consideration.

11.4 It should be noted that the Local Government Ombudsman has no jurisdiction over Parish Councils in England (see National Association of Local Councils guidance, June 2014).

**For presentation to East Halton Parish Council on 5 September 2023, for adoption September 2024**

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