

## Helsby Parish Council

### **OFFICIAL COMPLAINTS PROCEDURE**

This document describes the Council's procedures for dealing with complaints about Council employees, Councillors or the Council's administration or procedures.

#### ***Complaints about a Council employee***

Complaints about an employee of the Council should be addressed to the Chairman of the Council. Such complaints will then be dealt with as an employment matter.

The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.

#### ***Complaints about a Councillor***

Under the Local Government Act 2000, the standards committee of the Principal Authority is empowered to promote and maintain high standards of conduct by the members of the Council.

Complaints about a Councillor are now subject to the jurisdiction of the Standards Board for England.

Complainants should be advised to contact the appropriate body or the Principle Authority's Monitoring Officer for further information.

#### ***Complaints about the Council's administration or procedures***

The Council should view its complaints procedure as an efficient way of dealing with complaints received as a means of preserving the good reputation of the Council through a transparent process.

If the Council fails to deal with complaints directly, it may have to utilise other resources in dealing with outside bodies that the complainant has engaged to further highlight their dissatisfaction.

For the benefit of good local administration, the Council has adopted the attached Code of Practice for considering complaints either made by complainants directly or that have been referred back to the Council from other bodies.

This Code of Practice is aimed at those situations where a complaint has been made about the Council's administration or procedures to ensure that complainants can feel satisfied that their grievance has been properly and fully considered.

This Code of Practice is designed for complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or other proper officer or Chairman of the Council.

At all time the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

## **CODE OF PRACTICE**

Complaints can be considered at a Council meeting. However, the Council may also wish to establish a committee to deal with a complaint, which avoids the need for full Council having to assemble and makes the process less daunting for a complainant if they choose to attend in person. If such a committee is formed, it should report its conclusions to the next Council meeting.

At the meeting considering the complaint, the position of the Council may be represented by the Clerk or other proper officer.

If the Clerk or other proper officer is putting forward the justification for the action or procedure complained of, he or she should not advise the Council or committee.

### **Upon receiving a complaint**

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 proper officer of the Council.
2. If the complainant does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the Chairman of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by a committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely on at the meeting.

### **At the meeting considering the complaint**

6. Members 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. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any questions of the complainant.

11. If relevant, Clerk or other proper officer to explain the Council's position.
12. Members to ask any questions of the Clerk or other proper officer.
13. Clerk or other proper officer and complainant to be offered the opportunity of last word (in this order).
14. Clerk or proper officer and complainant to 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 to be invited back.
15. Clerk or proper officer and complainant return to hear decision, or to be advised when decision will be made.

**After the meeting**

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