



# **BROADBRIDGE HEATH PARISH COUNCIL**

## **COMPLAINTS POLICY**

**ADOPTED : 6<sup>th</sup> June 2022**

**REVIEWED: 11<sup>TH</sup> October 2023**

**NEXT REVIEW DATE : MAY 2025**

### **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

#### **1. Introduction**

1.1 This code of practice is based on the National Association of Local Councils (NALC) Legal Topic Note 9E (June 2014) on Handling Complaints (England).

#### 1.2 Definition of a complaint

*'A complaint is an expression of dissatisfaction, however made, 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.'*

1.3 Parish Councils as corporate bodies are not subject to the jurisdiction of The Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. Parish Councils should adopt a standard formal procedure for considering complaints for the benefit of good administration and transparency. The Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council.

1.4 A complainant can be members of the public, councillors, employees of the council or members of an organisation.

1.5 The identity of a complainant will only be made known to those who need to consider a complaint. Care will be taken to maintain confidentiality where circumstances demand, e.g. where matters concern financial or sensitive information or where third parties are concerned.

1.6 The Parish Council will bear in mind the provisions of the Data Protection Act 1998, GDPR and Freedom of Information Act 2000 in handling complaints.

## **2. Complaints outside this Code of Practice**

2.1 Depending on the nature of the complaint, there may be alternative routes to use rather than this complaints procedure.

2.2 The following categories fall outside this code of practice:-

<b>Nature of Complaint</b>	<b>Refer to</b>
Alleged financial irregularity.	Local electors have a statutory right to object to a Council's audit of accounts (s.16 Audit Commission Act 1998). Contact the Council's auditor whose name and address can be obtained from the Clerk.
Criminal activity.	The police
Parish Councillor conduct alleged to breach the Code of Conduct adopted by the council.	A complaint relating to a Member's failure to comply with the Code of Conduct must be referred to Horsham District Council's Monitoring Officer
Employee conduct	Report initially to the Clerk, but if the complaint is about the Clerk, report to the Chairman of the Council. Complaints regarding employees are dealt with under internal disciplinary procedures.
Employee complaint about the workplace	Raise initially with the Line Manager, Clerk or Chairman who will follow the Grievance Policy.

## **3 Aims of The Code of Practice**

3.1 Where a complaint relates to the administration or procedures of the Parish Council, this complaints procedure will normally be used to resolve the issue. The process aims to :-

- Be reasonable, accessible and transparent
- Provide a standard procedure for considering complaints
- Ensure that complainants feel satisfied that their grievance has been properly and fully considered.
- Treat all parties fairly.
- Keep the full Council informed.

#### **4 First stage - Informal complaints**

- 4.1 An informal complaint may be given orally or in writing to the Clerk. If a complaint is given to a Councillor, it is their duty to notify the Clerk or Chairman of the Council within seven working days.
- 4.2 The Clerk or Chairman of the Council will acknowledge receipt of the complaint within ten working days and do their best to resolve the complaint so that the complainant feels satisfied that their grievance has been fully considered, taken seriously and acted upon accordingly in a timely fashion.

#### **5 Second stage - Formal complaints**

##### **Before the meeting**

- 5.1 If the complaint is not resolved informally, the Clerk will ask the complainant to make a formal complaint in writing. If the complainant does not wish to put the complaint to the Clerk, they may be advised to put it in writing to the Chairman. The letter must state that a Formal Complaint is being lodged and should include the following information:-
- Name, address and telephone number of the complainant
  - The complaint about the Council's procedures or administration.
  - How the issue has affected the complainant.
  - Copies of any relevant documents or other evidence to which the complainant may wish to refer at the meeting.
  - Details of third parties and their involvement.
  - What action the complainant believes is required to resolve the complaint.
- 5.2 On receipt of the written complaint the Clerk or Chairman will inform the complainant that the complaint will be considered by a Complaints Panel. The Complaints Panel will comprise the Chairman or Vice Chairman of the Council and any member of the four Standing Committees with a quorum of three. Their findings will ultimately be reported at the next Council Meeting. The complainant will be informed that a mutually convenient date for a Complaints Hearing Meeting will be scheduled within 28 days and with at least 10 days' notice given. The Clerk will issue an agenda for the Complaints Hearing Meeting not less than three days before the meeting date. The complainant shall be invited to attend the Complaints Hearing Meeting and informed that they are allowed to bring one representative with them for support or who may speak on their behalf if they so wish.
- 5.3 Any documentation regarding the complaint not already supplied must be sent to the Clerk seven (7) clear working days prior to the meeting, excluding weekends and public

holidays. The Council shall similarly provide the complainant with copies of any documentation upon which the Council wishes to rely at the meeting.

### **At the meeting**

- 5.4 The Complaints Panel will appoint a Chairman for the Complaints Hearing Meeting. The Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
- 5.5 The Chairman will introduce everyone present and explain the procedure that will be followed. (Outlined in 5.6 and 5.7)
- 5.6 The complainant (or their representative) will be invited to detail the complaint to the Complaints Panel. The Complaint Panel Members will then, if they wish, ask questions of the complainant relating to the complaint. The Parish Clerk, other officer or Councillor, will explain the Council's position relating to the complaint (if necessary). Panel Members will ask any question of the Parish Clerk, Officer or fellow Panel Member. The Parish Clerk or other Officer, Panel Member and complainant will be offered the opportunity to make any final comments (in that order).
- 5.7 The Parish Clerk or other Officer and the complainant to be asked to leave the room while the Panel Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties are to be invited back into the meeting room. The Chairman may adjourn the meeting if wished in order that specialist advice may be sought. The Parish Clerk or other Officer and complainant will be invited to return to hear the recommendation to full Council. If a recommendation cannot be reached at the meeting, the Chairman will advise when the recommendation will be made and communicated to the complainant.

### **After the meeting**

- 5.8 Any recommendation on a complaint will be ratified and announced at the next meeting of the Council in public. Within seven (7) working days of the Council accepting the recommendation of the Complaints Panel, the Clerk will put the decision in writing to the complainant, including the complainant's right to appeal.

## **6. The appeal**

- a. If a complainant decides that his/her grievance has not been satisfactorily resolved, he/she may submit a written appeal to the Parish Council. An appeal must be received by the council within five working days of the complainant receiving the Council's decision and must specify the grounds of the appeal.
- b. Appeals may be raised on a number of grounds, e.g.:
- A failure by the council to follow its complaints policy
  - The decision was not supported by the evidence
  - The action proposed by the council was inadequate/inappropriate
  - New evidence has come to light since the complaints meeting

- c. The appeal will be heard by a panel of three members of the Parish Council who have not been involved in the case. The appeal panel will appoint a chairman from one of its members.
- d. The complainant will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the council's receipt of the appeal.
- e. At the appeal meeting, the chairman will:
  - Introduce the panel members to the complainant
  - Explain the purpose of the meeting, which is to hear the complainant's reasons for appealing against the decision of the complaints panel.
  - Explain the action that the appeal panel may take
- f. The complainant will be asked to explain the grounds of his/her appeal.
- g. The chairman will inform the complainant that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- h. The appeal panel may decide to uphold the decision of the council or substitute its own decision.
- i. The decision of the appeal panel is final.

## **7. Reviewing and Monitoring the Policy**

7.1 The Clerk shall be responsible for reviewing this policy every two years or sooner if appropriate to ensure that it meets legal requirements and reflects best practice.

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