



Wakes Colne Parish Council

www.e-voice.org.uk/wakescolne/

YOUR PARISH COUNCIL WORKING FOR YOUR PARISH

COMPLAINTS PROCEDURE

1. Introduction

This policy sets out how to raise a complaint with the Parish Council about its administration and procedures. Complaints against policy decisions made by the Council shall be referred back to the Council (but note paragraph 7a&b of the Council's Standing Orders which states that issues shall not be re-opened for six months).

2. Complaints against Councillors

The conduct of Councillors is covered by the Parish Councils (Model Code of Conduct) (England). Complaints should be addressed to the Monitoring Officer, Colchester City Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.

3. Informal Complaints

Informal complaints should be made to the Clerk by telephone, email or in person. If the complainant does not wish to advise the Clerk, they may contact the Chairperson.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that, on occasions, if an informal approach has not resolved the complaint, or the initial complaint is so serious, then the formal complaints process should be followed.

Complaints raised on social media will not be accepted or responded to under the Parish Council's complaints procedure.

4. Formal Complaints Procedure - General

The Clerk to the Council is responsible for managing the formal complaints process. However, if a formal complaint is being raised against the Clerk, then the Chairperson of the Council should be informed instead of the Clerk (see 5 below).

- 4.1 A formal complaint against the Council can only be submitted in writing to the Clerk at the Council's address. The Council encourages contact by email and telephone, but as a formal complaint is a serious matter it will only accept a complaint in writing.
- 4.2 The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt of the complaint normally within five working days.
- 4.3 The Clerk, normally in conjunction with the Chairperson, will carry out an initial investigation into the complaint and will, normally within ten working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed. The Clerk will report to the Council, through the Clerk's report, a summary of the complaint and of its resolution.
- 4.4 The Clerk shall bring any written complaint that has not been settled to the next meeting of the Council. 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. *(Unless such a matter may be related to Grievance & Discipline proceedings (in the case of the Clerk) or Standards Board Proceedings (in the case of a Councillor) that are taking, or likely to take place when such a hearing may prejudice those hearings, when the complaint will have to be heard under Exempt Business (Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 ss100 & 102) to exclude any member of the public or the press, or deferred on appropriate advice received.)*
- 4.5 Copies of any documentation relating to the complaint should be made available to the Council and the complainant, seven working days prior to the meeting.
- 4.6 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. The complaint shall be dealt with at the next meeting after the advice has been received.
- 4.7 The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.

- 4.8 The Chairperson shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and respectful as possible, without prejudicing the need to consider properly the matter under discussion.
- The complainant (or representative) shall be invited to outline the grounds for the complaint and Councillors given the opportunity to ask any question of the complainant.
 - If relevant, the Chairperson will explain the Council's position.
 - The complainant is to be offered the opportunity of a last word as a means of summing up his/her position.
 - The Chairperson has the opportunity of a last word as a means of summing up the Council's position.
 - The complainant will be advised when the decision will be made.
 - Councillors will decide whether or not the grounds for the complaint have been made. As soon as practicable after the decision has been made, it and the nature of any action to be taken, shall be communicated in writing to the complainant.

In the event of serial facetious, vexatious, or malicious complaints from a member of the public, the Council shall consider taking legal advice before responding formally to the complainant.

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

5. Complaints against the Clerk

A formal complaint is a serious matter. A complaint against the Parish Clerk could result in disciplinary action; or in cases of gross misconduct, dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence or discussion with any complainant about any action taken, formally or informally

against the Clerk. This is to expressly protect the employment rights to which the Parish Clerk is entitled.

If a formal complaint is being raised against the Clerk, then the process, as detailed below, should be followed and managed by the Chairperson of the Council.

- 5.1 A formal complaint about the Clerk can only be submitted in writing to the Chairperson via email chairperson@wakescolne.org
- 5.2 The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Chairperson will normally acknowledge receipt of the complaint within five working days.
- 5.3 The Chairperson will carry out an initial investigation into the complaint and will, normally within ten working days, provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed. The Chairperson will report to the Council a summary of the complaint and of its resolution.
- 5.4 The Chairperson shall bring any written complaint against the Clerk that has not been settled to the next meeting of the Council. The Chairperson 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. *(Unless such a matter may be related to Grievance & Discipline proceedings (in the case of the Clerk) that are taking, or likely to take place when such a hearing may prejudice those hearings, when the complaint will have to be heard under Exempt Business (Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 ss100 & 102) to exclude any member of the public or the press, or deferred on appropriate advice received.)*
- 5.5 Copies of any documentation relating to the complaint should be made available to the Council and the complainant, seven working days prior to the meeting.
- 5.6 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. The complaint shall be dealt with at the next meeting after the advice has been received.
- 5.7 The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.

5.8 The Chairperson shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and respectful as possible, without prejudicing the need to consider properly the matter under discussion.

- The complainant (or representative) shall be invited to outline the grounds for the complaint and Councillors given the opportunity to ask any question of the complainant.
- If relevant, the Chairperson will explain the Council's position and Councillors shall ask any questions of the Clerk.
- The complainant is to be offered the opportunity of a last word as a means of summing up his/her position.
- The Clerk is to be offered the opportunity of a last word as a means of summing up his/her position.
- The Clerk and complainant shall 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 should be invited back.
- In any case both parties will be advised when the decision will be made.
- As soon as practicable after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.

In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council shall consider taking legal advice before responding formally to the complainant.

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

Re-Adopted

Date 10th May

Minute reference 23/090 Item 9

SignedChairperson

Review Date: May 2024