

## **HALSTEAD PARISH COUNCIL - COMPLAINTS PROCEDURE**

- 1 This is the agreed procedure for dealing with complaints that anyone may have about Halstead Parish Council's administration and procedures. It normally applies to Halstead Parish Council's employees. In relation to Councillors, this code of practice is aimed at those situations where a complaint has been made about the administration or procedures of the Council but is not a forum for complaints against individuals. This is an efficient way of dealing with complaints received and a means of preserving the good reputation of the council through a transparent process.  
Councillors are covered by the Code of Conduct adopted by the Parish Council on 11 March 2002. Complaints against policy decisions made by the Parish Council shall be referred back to the Parish Council, see paragraph 78 of Council's Standing Orders.
- 2 If a complaint about procedures or administration as practised by the Council's employees is notified orally to a Councillor or to the Clerk, and it is not possible to satisfy the complainant fully, the complainant will be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly.
- 3 If the complainant prefers not to put the complaint to the Clerk, he/she should be advised to put it to the Chairman.
- 4a On receipt of a written complaint the Clerk or Chairman, as the case may be, shall (except where the complaint is about his/her actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained against and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Efforts should be made to attempt to settle the complaint at this stage.
- 4b Where the Clerk or Chairman receives a written complaint about his/her own actions, he/she shall refer the complaint to the Council.
- 5 The Clerk or the Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
- 6 The Clerk or Chairman 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, disciplinary or Standard Board proceedings 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 to exclude any member of the public or the press or deferred on appropriate advice received.)
- 7 The Parish Council shall consider whether the circumstances relating to this complaint warrant the matter being discussed in the absence of the press and public. Any decision on a complaint shall be announced at the Parish Council meeting in public.
- 8 As soon as possible after the decision has been made, it and the nature of any action to be taken, this will be communicated in writing to the complainant.
- 9 The Parish 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.

## **HALSTEAD PARISH COUNCIL – CODE OF PRACTICE ON COMPLAINTS**

### **Before the Meeting**

- 1 The Clerk shall acknowledge the receipt of any written complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purpose of hearing complaints.
- 2 The Complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- 3 Seven clear working days prior to the meeting, the Complainant shall provide the Council/Committee with copies of any documentation or other evidence which they wish to refer to at the meeting. The Council/Committee shall similarly provide the Complainant with copies of any documentation which they may refer to or rely on at the meeting

### **At the Meeting**

- 4 The Council/Committee 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/Committee meeting in public
- 5 Chairman shall introduce everyone
- 6 Chairman shall explain procedure
- 7 Complainant (or representative) shall outline the grounds for the complaint
- 8 Members of the Council/Committee shall ask questions of the Complainant
- 9 If relevant, Clerk or other Proper Officer shall explain the Council's position
- 10 Members of the Council/Committee shall ask questions of the Clerk or other Proper Officer
- 11 Clerk or other Proper Officer and the Complainant shall be offered the opportunity of last word (in that order).
- 12 Clerk or other Proper Officer and the 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 to be invited back.)
- 13 Clerk or other Proper Officer and the Complainant return to hear decision or to be advised when the decision will be made.

### **After the Meeting**

- 14 The decision shall be confirmed within seven working days together with details of any action to be taken.

**15 March 2006**