

# HOLME VALLEY PARISH COUNCIL

## COMPLAINTS PROCEDURE

Complaints about an employee of the Council (i.e. the Clerk or Administrative Support Officer) should be dealt with as an employment matter. The complainant should be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Pursuant to Section 27 of the Localism Act 2011, the Council has adopted a Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. *Complaints about a Member of the Council should be referred to the Monitoring Officer at Kirklees Council, for determination by the Kirklees Council Standards Committee.*

This Procedure is, therefore, aimed at those situations where a complaint has been made about the **administration** of the Council or about its **procedures**, not its policy decisions. It is not really an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

For the benefit of good local administration, it is suggested that every Council adopts a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to the Council from other bodies. Such a procedure is needed to ensure that complainants can feel satisfied that at least their grievance has been properly and fully considered.

Holme Valley Parish Council views the adoption of a complaints procedure as an efficient way of dealing with complaints received and 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, which the complainant has engaged to highlight further his or her dissatisfaction.

In the event of a complaint being lodged with the Council, it may wish to establish a Panel to deal with such a complaint. This avoids the need for full Council having to assemble and also makes the process less daunting for a complainant if he or she chooses to attend a meeting in person. If a panel is formed, it should report its conclusions to the next Council meeting. This is in line with previous Council decisions (Council meeting 20 March 2000, minute number 99 94) relating to handling complaints. These decisions have been incorporated into the Code of Practice included in this procedure.

Under the Localism Act 2011, the standards committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of a parish, town or community Council. Whilst this does not necessarily affect complaints about maladministration and procedure, a Local Council may consider it good practice to notify the standards committee that a local code for such complaints has been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

If a complaint about procedures or administration practised by the Council is notified orally to the Clerk or other Proper Officer or Chairman, every effort should be made to settle the complaint directly with the complainant.

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The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or other Proper Officer or Chairman. The Code has been adapted to suit local circumstances from advice offered by the National Association of Local Councils.

It may be that the Clerk or other Proper Officer at the meeting represents the position of the Council. 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.

At all times, 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

### Before the Meeting

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.
2. If the complainant does not wish to put the complaint to the Clerk or other Proper Officer, he or she may be advised to put it to the Chairman or Vice Chairman of the Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by a panel established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and to bring with him or her such representative as he or she wishes.
5. 7 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which he or she wishes to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.
6. The Council may appoint a Complaints Panel to hear any such complaints. Any Councillor can be called upon to act on such a Complaints Panel which will comprise the Chairman or Vice Chairman of the Council, whichever Councillor initially received the complaint, plus one nominated member of each group represented on the Council, unless the complaint is against a group, in which case that group will be excluded from the Complaints Panel. No Councillor so nominated should be connected in any way with the matter which has led to the complaint.

### At the Meeting

1. The Complaints Panel 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 a Council meeting in public.
2. The Chairman will introduce everyone.

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3. The Chairman will explain the procedure to be followed.
4. The Complainant (or representative) will outline his or her grounds for complaint.
5. Members will ask any question of the complainant.
6. If relevant, the Clerk or other Proper Officer will explain the Council's position.
7. Members will ask any question of the Clerk or other Proper Officer.
8. The Clerk or other Proper Officer, if appropriate, and the complainant will be offered the opportunity of last word (in this order).
9. The Clerk or other Proper Officer, if appropriate, and the complainant will be asked to leave the room while Members decide whether or not grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).
10. The Clerk or other Proper Officer and the complainant will return to hear the decision or formal recommendation to be made to the Council and to be advised when a decision will be made by the Council.

## **After the Meeting**

1. Once a decision has been taken by the Council, this should be confirmed in writing within seven working days together with details of any action to be taken.
2. Following the decision of the Council on action to be taken, if necessary, the complaint may then be referred to an Appeals Panel, comprising the next most senior Member of the Council in terms of continuous service, plus one nominated Member from each group represented on the Council. These should be new nominations of Members who have not previously been involved in the Complaints Procedure.