



## **CHIPPERFIELD PARISH COUNCIL**

### **COMPLAINTS PROCEDURE**

#### **Introduction**

The following Complaints Policy (Code of Practice) has been created based on the framework suggested by the National Association of Local Councils (NALC). It was adopted at Council on 10<sup>th</sup> November 2008, Minute 0280/08, and forms part of the Council's Standing Orders No 37 adopted November 2007 0204/07. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration.

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no Jurisdiction over parish and town councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England.

Chipperfield Parish Council will not acknowledge or consider, under any circumstances complaints that are submitted anonymously.

#### **Complaints Handled by the Parish Clerk**

1. It is hoped that most complaints can be resolved quickly and amicably through this route.
2. Initial complaints can be made by telephone, email or letter. The complaint will be handled by the Clerk.
3. Complaints should always be directed through the Council offices, not through individual Councillors.
4. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints.
5. It is expected that most complaints can be resolved through this route. However, the Council appreciates that on occasions if an informal approach had not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

### **Complaints Handled by the Parish Council**

1. The Clerk is responsible for managing the complaints process. The Clerk is the Proper Officer of the Council. However, if a formal complaint is being raised against the Clerk, then the process should still be followed, but the Chairman of the Council would take the place of the Clerk in managing the process.
2. A formal complaint must be submitted in writing to the Council offices, addressed to the Clerk or Chairman as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
3. The Clerk or Chairman will acknowledge receipt of the complaint within five working days.
4. The Clerk or Chairman will carry out an initial investigation into the complaint and will 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.
5. The Clerk or Chairman will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.
6. If the Clerk or Chairman is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next Council meeting.

### **At the Meeting**

1. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public, matters that involve individual identified members of staff, may require the exclusion of the press and public.
2. The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting will be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion. (a) The complainant (or representative) shall be invited to outline the grounds for complaint and members given the opportunity to ask any question of the complainant. (b) If relevant, the Clerk will explain the Council's position and the Council shall ask any questions of the Clerk. (c) The complainant is to be offered the opportunity of a last word as a means of summing up their position. (d) The Clerk is to be offered the opportunity of a last word as a means of summing up their position.
3. 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 return to hear the decision, or to be advised when the decision will be made.
4. The decision will be confirmed in writing within seven working days together with details of any action to be taken.
5. The announcement of any decision will be made in public, at the next Council meeting.



### **Action against Council Staff**

A complaint against a member of the Council's staff 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 any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

### **Complaints against Councillors**

The Chipperfield Parish Council complaints policy does not cover complaints against an individual Councillor. If you wish to make a complaint about the behaviour of an individual Councillor you must write to:-

**The Monitoring Officer  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead  
Herts HP1 1HH**

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.

The Monitoring Officer/Standards Committee will not look at complaints that are about:

- a. People employed by the council or authority.
- b. Incidents that happened before a member was elected or chosen to serve.
- c. Incidents that happened either before the authority adopted the Code of Conduct or before 5 May 2002, whichever is earlier.
- d. The way an authority conducts or records its meetings.
- e. The way an authority has or has not done something. This may be a matter for the Local Government Ombudsman if the authority has not dealt with the matter properly and it has not been resolved locally.
- f. Decisions of the authority or one of the services it provides.