



## **Complaints Handling Policy**

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## 1. Scope of the Complaints Procedure

### General

A complaint is an expression of dissatisfaction about the Council's action or lack of action or about the standard of 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.

A complaint against a local Council may also be triggered by an allegation of administrative fault such as not following procedures or Standing Orders, inadequate service, no service, delay or making a mistake.

This guidance is aimed at those situations where a complaint has been made about the administration of the Council or about its procedures. It is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman. When a complaint is made against the Council, Member(s) of the Council or the Clerk are likely to be mentioned or complained about. However, a complaint against a Council will be treated as a complaint against the body corporate of the Council, not as a complaint against individual employees or Member(s) of the Council.

The Complaints Procedure sets out an efficient and transparent process for dealing with complaints received by establishing 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. The Complaints Procedure seeks to ensure that the complainant feels satisfied that their complaint has been properly and fully considered.

At all times, the rules of natural justice will apply, all parties will be treated fairly, and the process will be reasonable, accessible and transparent.

### Complaints about the Clerk

Complaints about the Clerk of the Council will be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally and appropriate action taken as required.

### Complaints about a Councillor

Complaints about a Councillor should be sent to the Monitoring Officer at Central Bedfordshire Council

**Website:** [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

**Email:** [monitoring.officer@centralbedfordshire.gov.uk](mailto:monitoring.officer@centralbedfordshire.gov.uk)

**Address:** Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

## 2. Procedure

The Council will establish a Complaints Committee comprising of three Parish Councillors and will appoint a Chairman. The conclusions drawn at any meeting of the complaints Committee will be reported to the next Parish Council meeting.

If the Clerk is putting forward the justification for the action or procedure complained of, (s)he should not advise the Council or Committee.

### Before the meeting

- i. All formal complaints against a local Council must be communicated in writing, including email, to the Clerk. The complaint shall include the following: -
  - Name of the complainant
  - Address of the complainant
  - Telephone number and/or email address of the complainant
  - Details of the complaint
- ii. If the complaint concerns the Clerk, they will be advised to address their complaint to the Chairman of the Council.
- iii. The Complainant will be asked at the outset to confirm if they wish the complaint to be treated confidentially. If the complainant waves confidentiality, the Council must still comply with its obligations under the Data Protection Act 2018 in order to safeguard against the unlawful disclosure of personal data.
- iv. To ensure compliance with its obligations in the Data Protection Act 2018, a Council cannot disclose the identity, contact details or other personal data about an individual complainant unless they consent, or disclosure is otherwise fair and lawful under the 2018 Act e.g. for the purpose of discharging the Council's functions, or for the performance of contractual obligations. The Council will ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to an individual complaint. The complaint will be treated in confidence and the identity of the complainant will only be made know to those in the Council who need to consider the complainant.
- v. On receipt of a written complaint the Clerk or Chairman, as the case may be, shall promptly advise the complainant in writing that their complaint has been received and will be dealt with promptly, but allowing sufficient time for the Council to obtain advice from their parties.
- vi. The Clerk will investigate the complaint and will provide a written report outlining the investigation and its findings.
- vii. The complainant shall be invited to attend the relevant meeting and bring with them such representation as they wish.

- viii. At least seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on.
- ix. Within two working days of the evidence from the complainant being received the Council shall provide the complainant with copies of any documentation upon which it wishes to rely at the meeting including the investigation report.

### **At the meeting**

- i. The meeting shall be clerked by the Clerk, a member of the Council or an appointed independent Clerk who has not investigated or been involved with the complaint.
- ii. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the Council meeting in public.
- iii. The Chairman to introduce everyone.
- iv. The Chairman to explain the procedure.
- v. The complainant (or representative) should outline the grounds for complaint.
- vi. Members to ask any questions of the complainant.
- vii. The Clerk to explain the Council's position and the findings of the investigation.
- viii. Members to ask any questions of the Clerk.
- ix. The Clerk and then the complainant to be offered the opportunity to summarise their position.
- x. The Clerk and the complainant to 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 shall be invited back.
- xi. The Clerk and the complainant return to hear the decision or be advised on the timescale of any necessary investigations and when a decision will be made.

### **After the meeting**

The decision will be confirmed in writing by first class post within seven working days together with details of any action to be taken.

## Right of Appeal

If the complainant wishes to appeal against the decision (s)he must notify the Clerk in writing, including email, within seven days of receiving written notice of the decision, giving reasons for the appeal. An appeal may be raised if:

- i. The complainant thinks the finding is unfair.
- ii. New evidence has come to light.
- iii. The complainant thinks the complaints procedure was not applied properly.

If the complainant notifies the Council (s)he wishes to appeal, the complainant will be invited to attend an appeal hearing before the Appeals Committee. The Appeals Committee shall comprise of three Parish Councillors who were not members of the original Complaints Committee.

An appeal hearing will normally be convened up to ten working days of the Council receiving notification that the complainant wishes to appeal. If the hearing date is inconvenient for the complainant (s)he may ask to postpone the hearing by up to five working days.

The complainant must provide in writing, by post or email, at least five working days ahead of the meeting information supporting the appeal based on the grounds of appeal, including

- i. **Unfair Finding** – The complainant is to specify how or why the finding is unfair.
- ii. **New evidence** – The complainant must provide a copy of the new evidence.
- iii. **Complaints procedure not applied properly** – The complainant is to specify how the complaints procedure was not applied properly.

The meeting shall be clerked by the Clerk, a member of the Council or an appointed independent Clerk who has not investigated or been involved with the complaint.

The Appeals Committee will consider the grounds of appeal and the supporting evidence followed by a response from the Clerk.

The hearing will be adjourned to afford the Appeals Committee time to consider the decision.

The decision taken by the Appeals Committee is final.

After the Appeal hearing the Council will inform the complainant of its final decision within five working days in writing, by first class post.