



HOUGHTON REGIS TOWN COUNCIL

COMPLAINTS PROCEDURE

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Based on NALC Legal Topic Note 9E, Handling Complaints, June 2014

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1. SCOPE OF THE COMPLAINTS PROCEDURE

General

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 other proper officer or chairman. It does not cover complaints against an employee or against a councillor.

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 grievance 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 an employee

Complaints about an employee 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 Office
Central Bedfordshire Council
Priory House
Monks Walk
Shefford
Tel: 0300 300 8000

2. CODE OF PRACTICE

The Council will establish a Complaints Sub -Committee comprising 3 Members drawn from the Corporate Services Committee to deal with complaints. The conclusions drawn at any meeting of the Complaints Sub-Committee will be reported to the next Town Council meeting.

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.

Before the meeting:

- i. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other proper officer.
- ii. If the complainant does not wish to put the complaint to the clerk or other proper officer, they may be advised to put it to the chairman of the council.
- iii. To ensure compliance with its obligations in the Data Protection Act 1998, a council cannot disclose the identity, contact details or other personal data about an individual complainant. The council will ensure that agendas and minutes do not disclose personal

data or financial, sensitive or confidential information that relates to an individual complainant or a third party in the agendas or minutes of its meeting. The identity of a complainant should only be made known to those in the council who need to consider the complaint. In other words, a council is expected to treat a complaint in confidence.

- iv. The clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Committee.
- v. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- vi. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting:

- i. 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.
- ii. Chairman to introduce everyone.
- iii. Chairman to explain procedure.
- iv. Complainant (or representative) to outline grounds for complaint.
- v. Members to ask any question of the complainant.
- vi. If relevant, clerk or other proper officer to explain the council's position.
- vii. Members to ask any question of the clerk or other proper officer.
- viii. Clerk or other proper officer and complainant to be offered opportunity of last word (in this order).
- ix. Clerk or other proper officer and complainant to be asked to leave 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).
- x. Clerk or other proper officer and complainant return to hear decision, or to be advised on the timescale of any necessary investigation and when a decision will be made.

After the Meeting

Decision confirmed in writing 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 he or she must notify the clerk or other proper officer in writing within 7 working 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 that the procedure was not applied properly

If the complainant notifies the council that he or she wishes to appeal, the complainant will be invited to attend an appeal hearing before the Appeals Committee. The Appeals Committee shall comprise 3 Members drawn from the Corporate Services Committee who were not members of the original Complaints Sub-Committee.

An appeal hearing will normally be convened up to 10 working days of the council receiving notification that the complainant wishes to appeal. If the hearing date is inconvenient for the complainant he or she may ask to postpone the hearing by up to 5 working days.

The Appeals Committee will consider any new evidence that the complainant or the council wish to put forward.

The hearing may be adjourned to allow matters raised during the course of the hearing to be investigated, or to afford the Appeals Committee time to consider its decision.

The decision taken by the Appeals Committee will be final.

After the Appeal hearing the council will inform the complainant of its final decision within 5 working days in writing.

3 POLICY REVIEW

This policy will be reviewed annually by the Corporate Services Committee.