

Hatfield Peverel Parish Council

Policy and Procedure for Handling Complaints

1. Policy Statement

The Parish Council recognises that from time to time complaints, both individual and collective, may arise relating to Parish Council actions. In this respect the Council's policy is to encourage free communication between councillors and parishioners to ensure that any questions and problems arising can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

This policy must be considered in context with the Council's other policies and procedures which may be more applicable. In particular NALC Legal Topic Note 9 dated November 2008 may be more relevant in certain circumstances.

This procedure applies only to councillors. Complaints relating to the Parish Clerk are dealt with under separate procedures.

2. Principles

2.1 The complaints procedure provides a process whereby:

- complaints may be addressed as closely as possible to the point at which they arise
- issues can be brought out into the open so that they can be fully considered and reconciled in an open and expeditious manner
- confidence and trust between councillors and parishioners can be maintained

2.2 The complaints procedure detailed in this document should not be used to resolve issues which could be more appropriately handled through separate procedures specifically developed for the purpose.

2.3 The vast majority of complaints should be resolvable through informal discussion between councillors and parishioners without the need to invoke the formal complaints procedure. Where this cannot be achieved the following procedure should be followed:

3. Complaints Procedure

Stage 1

Formal **complaints** should be raised in writing to the Parish Clerk, stating the nature of the grievance and indicating that it is being raised as a formal grievance.

The Parish Clerk will arrange a formal meeting to discuss the **complaint** within 5 working days of receiving written notification of the **complaint**, where reasonably practicable.

Following the initial meeting, the Parish Clerk will respond to the **complaint** promptly and will provide a written response to the complainant within 4 weeks of the initial meeting.

If the matter has not been fully dealt with in the initial response, and where a case is likely to take longer than 4 weeks, written advice of progress should be provided to the complainant 4 weeks after the initial meeting, indicating the date by which a full response can be expected.

There may be instances where it is inappropriate for a complaint to be referred to the Parish Clerk in the first instance. In these cases, they may be referred to the Chairman of the Council..

Stage 2

If the complainant remains dissatisfied following Stage 1, the complaint should be referred to the Council Chairman in writing within 5 working days.

The Chairman will arrange a formal meeting to discuss the grievance with the complainant within 10 working days of receiving notification of the complaint, where reasonably practicable. Following the meeting the Chairman will conclude the investigation and consider the complaint promptly, using his/her best endeavours to provide an initial written response within 10 working days of that meeting. If a longer time scale is required, consultation will take place with the complainant.

If the matter has not been fully dealt with in the initial response, and where a case is likely to take longer than 4 weeks from the initial meeting to conclude, written advice of progress should be provided to the complainant 4 weeks after the initial meeting, indicating the date by which a full response can be expected.

If the complaint is against the Parish Clerk or Council Chairman, the complaint should be submitted to the Chair of the Council's Internal Audit Committee. The matter will then be investigated by two Members of the Internal Audit Committee, and a formal meeting will be held with the complainant, within the time scales outlined above.

A formal written response will be issued to the complainant within the time scales outlined above.

3.3 Appeal

3.3.1 If, following notification of the formal decision, the complainant remains aggrieved, the complainant can appeal to the Parish Council. (A minimum of three elected members shall be convened as an Appeal Panel to hear the appeal).

3.3.2 The complainant will present the details of the complaint to the Appeal Panel and the Parish Clerk/ Chairman will outline the reasons for the original response.

3.3.3 The Appeal Panel will be provided with all relevant documentation and witnesses from each side may be called.

3.3.4 The decision of the member Appeal Panel will be final.

4. Implementation Guidance Notes

Disclosure of Information

Some grievances may be of a sensitive or controversial nature and a reasonable balance must be struck between the need to preserve confidentiality and the need for informed discussion on the issues being raised. Wherever possible, mutual agreement between the relevant parties should be reached with regard to confidentiality.

Discrimination/Harassment

In cases of complaint of harassment or discriminatory bias or prejudices in employment matters on grounds of sex, sexual orientation, race, religious belief, disability, where it is felt to be inappropriate to take up such a grievance with the Parish Clerk, the matter should be referred, in confidence, to the Council Chairman for advice and guidance.

Representation

The complainant (and, where appropriate, the person(s) complained against) is entitled to be accompanied and/or represented by a representative, at any stage of the formal procedure.

Time Limits

Time limits specified for complainant action and HPPC response are included within the procedure to reinforce the need to resolve the grievance as quickly as possible.

The time limits specified for HPPC are for initial response to the complaint. Some complaints may take longer to be dealt with in sufficient depth before a final response can be made, and in these circumstances, time limits may be extended.

In the event of no HPPC response within the agreed time limit, the complainant may proceed to the next stage of the procedure.

In the event of no complainant response within the agreed time limit, the complaint will be deemed to have been satisfactorily resolved.

Refusal by the complainant to attend a meeting to discuss the complaint may result in no further action being taken.

Complaint Interviews

In dealing with complaints informally, the Parish Clerk should ensure that every opportunity is given for the complainant to discuss his/her grievance in a personal interview.

At each stage of the formal procedure, the complainant is entitled to a personal interview with the person/s delegated to deal with the complaint.

Status Quo Working

Where a formal complaint has been raised, where appropriate, the status quo situation will apply whilst the procedure is being followed. Such a situation will normally be the working arrangement or conditions which applied prior to the decision/action which gave rise to the complaint.

In some situations, such as allegations of harassment and bullying, the status quo situation may not apply. Alternative arrangements will then be discussed with the parties involved to determine the most appropriate interim arrangement.