

BAYTON PARISH COUNCIL

Complaints Procedure

January 2019

This Complaints Procedure explains how to complain to Bayton Parish Council on matters of procedure and/or administration; it outlines the process that will be followed by the Council in order to address the complaint. It is not to be used for complaints regarding Councillors Code of Conduct, these should be addressed to District Council, or to employment issues which are treated as confidential by The Council.

- 1)** If a Councillor or the Clerk is given a verbal complaint about procedures or administration of the Council the complainant will be given a copy of this procedure for information and it will for them to decide whether they wish to proceed further.
Verbal complaints will be passed to the Council for information.
Complainant should send complaint, by letter or email, to the Clerk or Chairman with the following information:-
 - Name
 - Address
 - Nature of complaint
 - Whether the complaint is to be treated as confidential.
 - Preferred method of communication e.g email/letter.

- 2)** Within 48 hours of receiving a written complaint a letter or email confirming receipt of the complaint shall be issued by the Clerk or Chairman.
 - Clerk to inform Parish Council insurers of complaint and seek further advise if the complaint may result in a claim being made against Bayton Parish Council
 - The complainant shall be advised the Council will endeavour to answer the complaint in full within 10 days of its receipt or within 28 days if further expert advice is needed.

- 3)** The Clerk or Chairman, as the case may be, shall (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant.
 - If the complaint is about the behaviour of the Clerk or a Councillor the Chairman should notify that individual of the complaint.
 - He or she shall be given the opportunity for comment on the complaint and on the manner in which it is intended to attempt to resolve the complaint.

- 4)** Where the Clerk or Chairman receives a written complaint about his or her own actions she or he shall inform the Council of the complaint.

- 5)** The Clerk or Chairman shall report to the next meeting of the Council any written complaint resolved by agreement with the complainant.

- 6)** Written complaints not settled by the Clerk or Chairman shall be brought to the next meeting of the Council and action taken as follows:-
 - The Clerk shall inform the complainant of the date, time and venue of the meeting on which the complaint will be considered.
 - The Clerk shall provide the complainant with any new information or documents relating to the complaint.
 - The complainant shall provide the Council with any new information or documents relating to the complaint.

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- The complainant shall be offered an opportunity to explain the complaint verbally (they may bring a friend).
- 7)** If the complainant wishes to attend the meeting the Chairman of that meeting shall explain how the meeting will proceed.
- Firstly the complainant shall explain the grounds for complaint.
 - Questions may then be asked by Council members.
 - The Chairman will explain the Councils position and questions may be asked by the complainant.
 - The Chairman will give a summary of the Councils position.
 - The complainant shall give a summary of their position.
 - The complainant shall be advised at the end of that meeting of when a decision about the complaint is likely to be reached and when they will receive a letter.
- 8)** The Council shall consider whether the circumstances regarding any complaint warrant the matter being discussed in the absence of the press and public.
- Any decision on a complaint shall be announced at the Council meeting in public session.
- 9)** Within 48 hours of the Council reaching a decision on the complaint a letter or email shall be sent by the Clerk to the complainant with the following information:-
- Whether the complaint has been upheld.
 - Details of the decision reached by the Council.
 - The reason the Council have given for reaching that decision.
 - The nature of any action to be taken by the Council.
- 10)** The Council shall agree to defer dealing with any written complaint only if the Council is of the opinion that issues of law or practice arise on which further expert advice is necessary from Worcestershire County Association of Local Councils or legal advice from the National Association of Local Councils. The complaint shall be dealt with at the next meeting after the advice has been received.
- 11)** The complainant shall be kept fully informed, by the Clerk or Chairman, of all actions being taken by the Council to investigate and resolve the complaint to everyone's satisfaction.
- 12)** Any complaints shall be covered by the Data Protection Act 1998 to safeguard personal information held in Council records.
- 13)** There is no right of appeal against any decision made by the Council on such matters.