

BAR HILL PARISH COUNCIL

COMPLAINTS PROCEDURE OVERVIEW

1. Complaints about a policy decision made by BHPC will be referred to the next scheduled meeting of the full Council for consideration, or a subsequent full Council meeting where this is not possible.
2. Complaints specifically relating to the conduct of an individual Councillor are dealt with by the Monitoring Officer as a possible Code of Conduct complaint. If this occurs, the full Council can request that the Complaints Committee support any investigation and actions as per the requirements of the Monitoring Office and the Terms of Reference of the Complaints Committee.
3. In some circumstances, correspondence sent to the Clerk will be dealt with satisfactorily without the need to use the complaints procedure. However, where the complainant is not satisfied with the Clerk's response, they can ask for the complaint to be considered by the full Council. The full Council can request that the complaint is then considered by the Complaints Committee.
4. If a complaint about procedures, administration or the actions of any of the BHPC employees is notified orally to an individual Councillor, or to the Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
5. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk. The complainant will receive a response with respect to actions to be taken within 21 days of receipt.
6. If the complainant prefers not to put the complaint to the Clerk (i.e. because the matter relates to the Clerk) they should be advised to write to the Chair.
7. On receipt of a written complaint, the Clerk (except where the complainant is about the Clerks own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving them an opportunity to comment. All efforts should be made to resolve the complaint at this stage, without need to refer to the full Council or subsequently to the Complaints Committee.
8. Where the Clerk or a Councillor receives a written complaint about the Clerk's actions, they shall refer the complaint to the Chair of BHPC. The Clerk will be formally advised of the matter and given an opportunity to comment.
9. The Clerk (or Chair) will report any complaint disposed of by direct action with a complainant to the next meeting of the full Council.
10. The Clerk (or Chair) will report any complaint that has not been resolved to the next meeting of the full Council. The Clerk will notify the complainant of the date on which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint to the full Council orally.
11. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
12. The Council may consider whether the circumstances of a complaint warrant the matter being discussed in the absence of the press and public (e.g. when a complaint is made by one Councillor to another), but any decision on complaints relating to a decision made by BHPC or in procedure or administration will be announced at the Council meeting in public.
13. As soon as possible after the decision has been made (and in any event not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
14. The full Council or Complaints Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

Signed
Chair

16.7.20
Dated

Approved Minute FC158.20, 16 July 2020. Amended 17 September 2020 - see Minute FC182.1.20 regarding membership: **Resolved** that the Complaints Committee should comprise of not less than 3 Councillors, one to be either Chair or Vice Chair of the Council. As Council membership was low at the moment any 3 councillors could be nominated to fill the seats as and when required.

BAR HILL PARISH COUNCIL

COMPLAINTS COMMITTEE

TERMS OF REFERENCE

1. A meeting of the full Council will be responsible for deciding on the nature of a complaint i.e. whether the allegations are a complaint about BHPC (wholly or partly), complaint about an employee (wholly or partly) or complaint regarding the actions of an individual Councillor.
2. The full Council can request that the Complaints Committee be convened to oversee a complaints process as described in the Complaints Procedure Overview.
3. The Complaints Committee will consist of a Chairman nominated by the full Council and three serving councillors, with any committee being quorate with the Chair and two serving councillors present.
4. The Chairman will be elected on the basis that their expertise and knowledge will be beneficial to the Committee and the serving members of BHPC will serve the local interest.
5. The Complaints Committee members including the Chair will be elected at the first full Council meeting of each year.
6. Existing Members will be eligible for re-election.
7. Any vacancy arising will be filled by election by the next meeting of the full Council.
8. The press and public will be excluded from meetings of the Complaints Committee.
9. A minimum of 7 working days' notice will be given of all meetings.
10. The complainant will be asked to put their formal complaint in writing. All correspondence should be conducted through the Clerk to the Parish Council.
11. The Clerk will acknowledge receipt of the complaint in writing and advise that it is to be heard by the full Council to decide whether it is appropriate for referral to the Complaints Committee.
12. The complainant shall be invited to attend an initial meeting of the Complaints Committee convened for the purpose and bring with them a representative if they wish.
13. All relevant parties will be given the chance to speak if they so wish.
14. The Committee will decide on the validity of any complaints.
15. The Complaints Committee will arrange for the collection of evidence as required.
16. The Complaints Committee may request additional external advice to support an investigation and delay proceedings until this advice is received.
17. The Committee will decide on any action to be taken regarding any valid complaint referred to it by the full Council and report to the next full Council for confirmation/agreement prior to implementation.
18. Breaches of the Members Code of Conduct will be referred to the Monitoring Officer at SCDC prior to being considered by the Complaints Committee.
19. Minutes of the Complaints Committee will be taken by the Parish Clerk, but as they are a confidential document they will not be in the public domain.
20. The decision of the Complaints Committee will be relayed to the complainant within seven working days of the final meeting taking place. The complainant will then be contacted by the Clerk with the agreed actions following the report being received and considered by the full Council.
21. The decision of the Complaints Committee is final and there is no right of appeal.

B Waters

16.7.20

Signed
Chair

Dated

These procedures will be reviewed annually
MV 30.6.20

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