

HULLBRIDGE PARISH COUNCIL – COMPLAINTS PROCEDURE

Adopted 13th February 2014

Reviewed 13th March 2017

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
4. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at 98 Ferry Road, Hullbridge, Essex SS5 6EX.
The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her 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 him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
7. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the 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 Council orally.
9. 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.
10. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
11. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

12. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
13. The Council 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.

Guide to the Code of Conduct - Complaints concerning the conduct of a Councillor

Since May 2008, all complaints are referred locally to the standards committee of principal authorities in the first instance. In the case of town and parish councils, complaints concerning the conduct of town and parish Councillors will be referred to the standards committee of the district or unitary authority in whose area the town or parish council is situated.

An assessment sub-committee of the standards committee will consider the complaint, usually within 20 working days, and will decide, in the presence of a parish council representative:

- whether to refer it for investigation;
- whether it is more suitable for some other form of action such as mediation or conciliation;
- whether it appears to be so serious or otherwise unsuitable for local investigation that it should be referred to the Standards Board or;
- whether no further action should be taken on the matter

In the event of the assessment sub-committee deciding to take no further action, the complainant can request a review of that decision which will then be heard by a review sub-committee comprising different members of the standards committee than those who undertook the initial assessment.

If it is decided that the complaint will be investigated, the Monitoring Officer of the principal authority is responsible for appointing an investigating officer. However, if the complaint has been referred to the Standards Board the investigation will be undertaken by an ethical standards officer. It should be noted that the Standards Board does have the ability to send any referred cases back to the local standards committee if they feel that this is appropriate. If this is the case, and it has been referred back for investigation, the Monitoring Officer is again responsible for appointing an investigating officer.

Once the investigation has been completed a report will be prepared and presented to the standards committee which may meet as a committee or may proceed by way of a hearing sub-committee.

Where an ethical standards officer has undertaken an investigation he or she may still refer it back to the standards committee if it is considered it to be suitable for local determination. In the event that it is not, it will be heard by the Adjudication Panel which can impose more stringent sanctions than those available to a local standards committee, up to a maximum of 5 years disqualification.

Cont: Complaints Procedures

Where the standards committee hear any matter they must first determine the facts if disputed then, if they are satisfied that there has been a breach of the code, decide on the appropriate sanction. The standards committee will normally follow rules of procedure as to the conduct of the hearing. Once a decision has been taken as to an appropriate sanction, the subject member has a right to seek permission to appeal that decision.

The Standards Board has issued extensive guidance on making complaints, what happens to complaints and also on local investigations and other action, including how to conduct an investigation, all of which can be downloaded from their website.

Anne-Marie Bates
Clerk to the Council
March 2014