

BURNISTON PARISH COUNCIL

COMPLAINTS POLICY

This policy sets out how to raise a complaint with the Parish Council regarding its administration or procedures. It does not cover abusive or vexatious complaints since these fall within the ambit of the Council's Vexatious Policy,

Informal Complaint

It is hoped most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, email or in person to the Clerk. A complainant may advise a Councillor of the details of a complaint, but individual councillors are not in a position to resolve complaints.

It is expected that most complaints can be resolved through this informal route. However it is appreciated that on occasions if an informal approach has not resolved the complaint or the initial complaint is so serious, then the formal complaints process should be followed.

Formal Complaint

The Clerk to the Council is responsible for managing the formal complaints process. The Clerk is the senior officer of the council. If a formal complaint is being raised against the Clerk, then the process as detailed should be followed, but with the Chairman of the Council instead of the Clerk.

As a formal complaint is a serious matter, they can only be submitted in writing to the Clerk and the envelope should be marked "Confidential – Formal Complaint".

The complaint should cover as much details as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt within three working days and ask the complainant to confirm he wants the matter to be treated confidentially. The acknowledgement will also briefly outline the issues raised by the complainant in order to demonstrate to the complainant that the complaint is fully understood and also to give them the opportunity to clear up any misunderstanding between what the complaint is about and the Clerk's understanding of it.

The Clerk will carry out an initial investigation and within ten working days will provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is closed. The Clerk will report to the next council meeting summary details of the complaint and its resolution. This summary will not identify the complainant.

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, then the matter will be referred to a meeting of the Council's Review & Staffing Committee.

Review & Staffing Committee

The Review & Staffing Committee (the Committee) is a properly formed committee of the Parish Council. It has delegated authority from the Parish Council to review and decide whether or not the grounds for the complaint have been made and decide what action is to be taken. The public and press may be excluded from all meetings of the Review and Staffing Committee and any of its sub-committees, for example where the business to be transacted relates to staffing matters.

It is expected that the Committee will be able to meet within seven working days of being notified by the Clerk.

Prior to the Committee Meeting

Seven clear working days before the Committee meeting the complainant will provide the Parish Council with copies of all documentation or other evidence such as photographs which they intend to introduce to the Committee meeting. The Parish Council will provide the same to the complainant.

At the Committee Meeting

1. The Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press¹. As far as possible the Council carries out its business in public, however matters that involve individual identified members of staff may necessitate the exclusion of the public and press.
2. The Chairman of the Committee shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
 - a) The complainant (or representative) shall be invited to outline the grounds for complaint and Committee members given the opportunity to ask any question of the complainant.
 - b) If relevant, the Clerk will explain the Council's position and Committee members shall ask any questions.
 - c) The complainant is to be offered the opportunity of a last word as a means of summing up their position
 - d) The Clerk is to be offered the opportunity of a last word as a means of summing up Council's position.
3. The Clerk and complainant shall be asked to leave the room while the Committee members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

¹ Public Bodies (Admission to Meetings) Act 1960 and Local Government Act 1972 ss100 and 102

4. The 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.
5. As soon as may be after the decision has been made (and in any event not later than 10 days after the Committee meeting), the complainant will be notified in writing of the decision and any action to be taken. The announcement of any decision will be made in public at the next Council meeting. the Committee's decision is final.

Timings

The Parish Council will try to adhere to the timings outlined in this policy but in the case of a complex complaint or the absence of a member of staff involved in the complaint, it may be necessary to vary the timings. should this occur, the complainant will be kept advised.

Parish Council Staff

A formal complaint is a serious matter. A complaint involving a member of the Council's staff may be dealt with as an employment issue under the Council's grievance and disciplinary procedures.

The Council will not under any circumstances enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Complaints against Councillors

This policy does not cover complaints against an individual Councillor. A complaint about a Parish Councillor should be addressed to:-

The Monitoring Officer
Scarborough Borough Council
St. Nicholas Street
SCARBOROUGH
YO11 2HG

The Monitoring Officer can only deal with complaints about a Councillor's alleged failure to follow the code of conduct. Further information is available from Scarborough Borough council's website

www.scarborough.gov.uk/default.aspx?page=16458

Anonymity

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints which are submitted anonymously.