

## Flitton and Greenfield Complaints Procedure 2016

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. Where complaints may be vague or unspecific in their nature, the Council should be the overseeing body to consider them.
2. This procedure can only act as the initial stage of any complaint about the conduct of a Member of the Parish Council and if unresolved or the complainant is not satisfied with the outcome, they should refer it to the Standards Committee (Central Bedfordshire Council). Complainants should be made aware that all councillors abide by a national code of conduct.

### Stage 1

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) to the Clerk to the Council at [clerk@flittongreenfield.or.uk or to the postal address as above]. 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 will be strongly encouraged as it is easier to deal with in writing and it helps to prevent what may be malicious spur of the moment complaints
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 or Vice 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), plus the Vice Chair (to be known as the Complaints Panel) will seek to settle the complaint directly with the complainant, either face to face or by letter/email. This should be at their agreed discretion and they should not feel obliged to consider the matter orally with the complainant if this would not be appropriate or there may be any risk attached to a meeting. No action should be taken without first notifying any person complained about and giving him or her opportunity to comment. Every effort should be made to resolve the complaint at this stage and there should be a full written record of any steps taken.

(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, who will act in conjunction with the Vice Chair. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment. This may result in Grievance or Disciplinary proceedings in which case the process becomes part of the Council's grievance and disciplinary procedures.

7. There should always be two parties involved in any complaint resolution and this should be known as the Complaints Panel. The substance of the complaint as above will be considered in the first instance by any combination of the Clerk, Chair or Vice Chair or if more than two of these are implicated as part of the complaint or are not available, the remaining party should be able to approach another councillor to assist who is not involved in the substance of the complaint. They should have delegated powers to respond to a complaint on behalf of the Council, unless any member of the Council feels that the complaint needs to be discussed at a Council meeting, acknowledging that this could delay the process.

8. Where the complainant addresses a letter to all Members of the Council, then a copy should be circulated to all Members, to provide them with an opportunity to make any views known and at the same time the Chair and Vice Chair and Clerk or any two of the three (Complaints Panel), should make arrangements in line with the process above to start to address the issue. They may want to report back to the next Council meeting with their suggested response if timing allows and this should be considered as part of the Council agenda business and a decision recorded. However they may use the delegated power to respond to the complaint on behalf of the Council.

9. If the matter is heard at Council, Councillors 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.

10. The Clerk to the Council (or Chair or Vice Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.

## Stage 2

11. The Clerk to the Council (or Chair or Vice Chair) will report any complaint that has not been resolved directly to Members or to the next meeting of the Council, and at the same time they should try to expedite matters by considering any new or unresolved matters, if necessary or if appropriate by

allowing the complainant an opportunity to explain the ongoing issues orally, but this would be at their discretion as above (step 6a).

12. 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.

13. 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.

14. Where a complaint has been considered more than once and it is clear to the Complaints Panel that a difference of 'opinion' exists and the Council has acted in accordance with its policies and practices, then the complainant should be advised that the matter will not be considered again, unless any new facts or information arises. This is to prevent an unnecessary and ongoing amount of council time being spent on an unsubstantiated complaint.

15. This decision should be put in writing to the complainant who should at the same time be advised of their right to contact the Local Government Ombudsman.