

North Somercotes Parish Council

Procedure for Handling Complaints

1. North Somercotes Parish Council will deal with complaints of misadministration by the Council, or by any officer or member, in such manner recommended by Legal Topic Note LTN 9 'Handling Complaints' issued by the National Association of Local Councils, dated July 2012 as originally adopted by the Council at its meeting on 26 November 2012 and thereafter reviewed annually as required. At all times the rules of Natural justice will apply – all parties will be treated fairly and the process will be reasonable, accessible and transparent.
2. **A complaint** is defined as:

“An expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of service, whether the action was taken or the service provided by the Parish Council itself or a person or body acting on behalf of the Council.
3. Complaints about an employee of the Council in respect of the carrying out of their Council duties will be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally and appropriate action taken in accordance with the individual’s conditions of service, legislation and best practice.
4. Where complaints are made about an employee of the Council in respect of any matters which are not connected with the carrying out of their Council duties, the complainant will be advised to contact the relevant authority or body, depending on the type of complaint. Where the matter is one that although not connected to their employment, may be considered to potentially affect the future employment of the employee, this will be dealt with under the individual’s terms and conditions of service as appropriate.
5. Complaints about a Councillor relating to their failure to comply with the Council’s Code of Conduct must be submitted to the Monitoring Officer at East Lindsey District Council.
6. **Procedure**
 - 6.1 In the first instance the Clerk and/or Chairman should endeavour to deal with the complaint about administration or the procedures of the Council by finding out the details of the complaint and providing an explanation of what has taken place, why and when.
 - 6.2 If complainants cannot be satisfied by less formal measures or explanations provided by the Clerk, and/or Chairman, the following procedure should be followed:
 - 6.3 The complainant will be asked to put the complaint about the Council’s procedures or administration in writing to the Clerk. If the complainant does not to put the complaint to the clerk or other nominated office, he or she should be advised to address it to the chairman of the council.
 - 6.4 The Clerk/Chairman shall normally acknowledge receipt of the complaint within seven days and advise the complainant when the Council will consider the matter. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, a notice of it will be given in an Agenda for the meeting.
 - 6.5 The complainant shall be invited to attend a meeting and bring with them such representative as they wish.
 - 6.6 The meeting shall be convened at a mutually convenient time and the Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting at

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least seven days in advance of the meeting to allow the complainant time to read the material prior to the meeting.

7. At the Meeting

- 7.1 The Council shall consider whether the circumstances or details of the complaint warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
- 7.2 The Chairman will introduce everyone and explain the procedure to be followed
- 7.3 Complainant (or representative) will be invited to outline grounds of complaint
- 7.4 The Clerk or other nominated officer, followed by Members, may ask any question of the complainant
- 7.5 If relevant, the Clerk or other nominated officer will explain the Council's position, and the complainant, followed by Members, may ask any question of the Clerk or nominated officer.
- 7.6 The Clerk or other nominated officer and then the complainant will be offered the opportunity to summarise their position
- 7.7 The Clerk or other nominated officer and the complainant will be asked to leave room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.
- 7.8 The Clerk or other nominated officer and complainant return to hear the decision, or if the decision is unlikely to be finalised at the time, they should be advised when the decision is likely to be made and when that decision will be communicated to them.

8. After the Meeting

- 8.1 The decision shall be confirmed in writing within 7 working days together with details of any action to be taken.
- 8.2 The outcome of the complaint shall be noted at the next meeting of the Parish Council.

9. Clerk's Duties

- 9.1 If the complaint is about the way in which the Clerk has carried out Council procedures or administration, then the individual may be advised to put the complaint in writing to the Chairman of the Council instead of the Clerk.
- 9.2 The complainant shall be asked to provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.
- 9.3 This information together with details of the complaint shall be made available to the Clerk for comment or written response, at least seven clear working days prior to any investigative meeting if it is considered that one is required.
- 9.4 If it becomes clear it is a matter of conduct or capability, then this should be dealt with in accordance with the relevant conditions of service.