

In the first instance, any complaint should be made in writing by letter or email and addressed to the Clerk.



NRS&NMHPC

Newton Regis, Seckington and No Man's Heath Parish Council

Three villages, one community

NEWTON REGIS, SECKINGTON AND NO MAN'S HEATH PARISH COUNCIL COMPLAINTS POLICY AND PROCEDURES

1. Complaints Procedure

a. Complaints about NRS&NMHPC Administration or Procedures: These will be dealt with using either the informal procedure or formal procedure detailed below.

b. Complaints about NRS&NMHPC Policy Decisions: These will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

c. Complaints against Councillors: This policy does not cover Code of Conduct complaints against an individual Councillor. These have to be made directly to the North Warwickshire Borough Council (NWBC) Monitoring Officer. The Monitoring Officer can only deal with Code of Conduct complaints about the behaviour of a Councillor and failure to follow the Code. He will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. The complaint should be addressed to The Monitoring Officer, Legal & Democratic Services, North Warwickshire Borough Council, South Street, Atherstone, Warwickshire, CV9 1DE.

The Monitoring Officer will not look at complaints that are about:

- i) People employed by the council or authority.
- (ii) Incidents that happened before a member was elected or chosen to serve.
- (iii) The way the Parish conducts or records its meetings.
- (iv) The way the Parish has or has not done something, this should be dealt with by the Parish and resolved locally wherever possible.
- (v) Decisions of the Parish or one of the services it provides.

d. Freedom of Information Complaints: A complaint that the Parish Council has not released information under the Freedom of Information Act, in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner but should first be dealt with as a request for Internal Review in accordance with the agreed Internal Review Terms of Reference and Procedure.

e. Recording Complaints: All complaints will be noted by the NRS&NMHPC Clerk in the NRS&NMHPC Complaints book. This will detail the Complainant, date, nature and detail of the complaint, the route followed as well as the date and details of its resolution.

f. Anonymous Complaints: The Parish Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

2. Complaints Handled by the Parish Clerk (Informal Procedure)

a. Initial complaints can be made by email or letter. The Clerk will handle the complaint.

b. Complaints should always be directed through the Clerk, not through individual Councillors.

c. A complainant may advise a Councillor of the details of a complaint, but individual

Councillors are not in a position to resolve complaints.

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

3. Complaints Handled by the Parish Council (Formal Procedure)

a. The Clerk is responsible for managing the complaints process. The Clerk is the Proper Officer of the Council. However, if a formal complaint is being raised against the Clerk, then the process should still be followed, but the Chairman of the Council would take the place of the Clerk in managing the process.

b. A formal complaint must be submitted in writing to the Clerk, the complaint should cover as much detail as possible and enclose any relevant supporting documentation.

c. The Clerk or Chairman will acknowledge receipt of the complaint within five working days.

d. The Clerk or Chairman will carry out an initial investigation into the complaint and will within ten working days provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed.

e. The Clerk or Chairman will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.

f. If the Clerk or Chairman is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next Council meeting.

4. At the Meeting

a. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public. Matters that involve individual identified members of staff, may require the exclusion of the press and public.

b. The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting will be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.

(i) The complainant (or representative) shall be invited to outline the grounds for complaint and members given the opportunity to ask any question of the complainant.

(ii) If relevant, the Clerk will explain the Council's position and the Council shall ask any questions of the Clerk.

(iii) The complainant is to be offered the opportunity of a last word as a means of summing up their position.

(iv) The Clerk is to be offered the opportunity of a last word as a means of summing up their position.

c. The Clerk and complainant shall be asked to leave the room while 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.

d. The decision will be confirmed in writing within seven working days together with details

of any action to be taken.

e. The announcement of any decision will be made in public, at the next Council meeting.

5. Action against Council Staff

A complaint against a member of the Council's staff that could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment. 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.