

## **FOUR MARKS PARISH COUNCIL**

### **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

This procedure only relates to complaints that have been made about the administration of the Council or its procedures. It is therefore not to be used concerning complaints about individuals.

A complaint about an employee (the Clerk) is an employment matter.

A complaint about a Councillor should be handled initially through the Monitoring Officer at East Hampshire District Council (EHDC) and thereafter the Standards Board.

Four Marks Parish Council (FMPC) would generally handle a complaint through normal Council meetings if the matter cannot be resolved by less formal measures or explanations. If however it was felt prudent to establish a Committee for a particular complaint, speed of solution, complainant may feel intimidated facing Full Council, then the Chairman or the Clerk should meet with three other Councillors. Their conclusions and recommendations should be presented at the next Council meeting.

The Clerk would generally represent the position of the Council/Committee and also advise the Council/Committee. If the Clerk is putting forward the justification for the action or procedure complained of, he/she might have a conflict of interest and should, in those circumstances, not advise the Council/Committee.

At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

### **COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL (NOT FOR COMPLAINTS ABOUT INDIVIDUALS)**

#### **Before the Meeting**

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the Clerk or other nominated officer, he or she should be advised to address it to the Chairman of the Council.
3. The Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a Committee)
4. The complainant shall be invited to attend a meeting and to bring with them a representative should they so wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### At the Meeting

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.
7. The Chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii), members.
9. The Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.
10. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The Clerk or other nominated officer and the Complainant should 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 shall be invited back.
12. The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

### After the Meeting

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.