

Orton Waterville Parish Council

COMPLAINTS (Services and Employees) PROCEDURE

October 2012

Adopted by Orton Waterville Parish Council at the meeting on 17th October 2012

Issue Record

<u>Issue</u>	<u>Date</u>	<u>Author</u>	<u>Purpose</u>	<u>Issued</u>
A	September 2012	P L Froggitt	For Comment	25/09/12
B	October 2012	P L Froggitt	For Adoption	10/10/12

Complaints (Services and Employees) Procedures

1. Introduction

For transparency and for the benefit of good local administration Orton Waterville Parish Council has adopted a standard formal procedure for considering complaints. The procedure is aimed at ensuring that complainants can feel satisfied that their concerns have been properly and fully considered.

The Parish Council must bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

Following the introduction of the Localism Act separate procedures are now in place for dealing with complaints about members (parish councillors). For the procedures to follow in the case of a complaint about a councillor refer to the Parish Council's 'Complaints (Members) Protocol'.

2 Complainant Procedure

- (a) On occasion members of the public may have complaints about the administration, procedures or employees of Orton Waterville Parish Council. In the first instance a complaint should be made in writing to either the Chairman of the Council or Parish Clerk, depending on the most appropriate person to receive the complaint. If the complaint is about administration or services provided then it should be made to the Parish Clerk. If about an employee then it should be made to the Chairman of the Council.
- (b) If a complaint is notified orally to the Chairman, Vice-Chairman or the Clerk to the Council, then the complainant should be asked to put the complaint in writing. On receipt of the written complaint it should be acknowledged in writing, within 5 working days, by the person receiving the complaint.
- (c) The Chairman of the Council or the Clerk to the Council shall report that a complaint has been received, the nature of the complaint, whether it has been resolved, or action to be taken to investigate the complaint to the next meeting of the Parish Council.
- (d) In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council may take legal advice before entering into any correspondence to the complainant.

3 Council Procedure

(a) Administration and Service Provision

- (i) On receipt of a written complaint about administration or service provision, the Chairman of the Council, the Vice-Chairman and/or the Chairman of the relevant committee (if applicable) and the Clerk to the Council shall meet and try to settle the complaint.
- (ii) The Parish Council shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and the public.
- (iii) If the complaint has not been resolved within 20 working days, then the complainant should be notified by the Clerk to the Council that the investigation is ongoing and given an anticipated date when the complaint will be considered.
- (iv) As soon as possible after the decision has been made, the nature of any action to be taken shall be communicated in writing to the complainant.

(b) Employees of the Council

(i) If the matter is a complaint about an employee of the Council, such that the Chairman and Vice-Chairman of the Council believe that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10.

The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

(ii) The complaint will be investigated by the Chairman and Vice-Chairman of the Parish Council and their findings will be reported to the Parish Council for consideration and determination.

(iii) The employee must be notified and given an opportunity to comment on the complaint.

(iv) The Parish Council shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and the public.

(v) If the complaint has not been resolved within 20 working days, then the complainant should be notified that the investigation is ongoing and given an anticipated date when the complaint will be considered.

(vi) As soon as possible after the decision has been made, the nature of any action to be taken shall be communicated in writing to the complainant.