

## **Holbrook Parish Council Complaints Procedure**

1. Holbrook Parish Council (HPC) is committed to providing a quality service for the benefit of the people who live or work in its area or who are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we will try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
  - Complaints by one council employee against another council employee, or between a Council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - Complaints against councillors. Complaints against councillors are covered by the new National Code of Conduct for Members adopted by the Council on 16<sup>th</sup> May 2022 and reviewed annually. If a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer at Babergh & Mid Suffolk District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer at Babergh & Mid Suffolk District Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

### **Informal Complaints:**

6. It is expected that most complaints can be resolved effectively and amicably through an informal route.
7. You can make an informal complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The contact details are available on the noticeboards in The Street, Admirals Quarter and Lower Holbrook, the Parish Papers and on the village website <http://holbrook.suffolk.cloud>.
8. The complaint will be handled sensitively and as quickly as possible. Complaints of this sort should always be directed to the Clerk and not to individual councillors. You may advise a councillor of the details of a complaint, but individual councillors are not able to resolve complaints themselves.
9. It is hoped that the majority of complaints can be resolved through an informal route. The Council understands however that if an informal approach has not resolved the complaint, or if the initial complaint is particularly serious, then the formal complaints process should be followed.

**Formal complaints:**

10. A formal complaint must be submitted in writing to the Council's postal address. It should be addressed to the Clerk, marked "Confidential – Formal Complaint". Although HPC usually welcomes contact by email and telephone, a formal complaint is a serious matter and so these will only be accepted in writing.
11. The written complaint should include as much detail as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt of the complaint within five working days.
12. The Clerk will carry out an initial investigation into the complaint and will within fifteen working days of receipt of the complaint, provide you with an update on progress, or a suggested resolution. If you are satisfied with the resolution the complaint is closed. The Clerk will report to HPC summary details of the complaint and its resolution. This summary report will exclude the names of the complainant.
13. In exceptional circumstances, it may be necessary to extend the fifteen days limit, for example whilst legal advice is sought. If this is the case, you will be informed of the proposed new timescale.
14. For both informal and formal complaints, if you do not wish to report your complaint to the Clerk (or if the Clerk is the subject of the complaint), you may make your complaint directly to the Chairman of the Council.

**A Complaints Review Panel:**

15. If it is considered necessary to convene a panel of councillors to decide upon the complaint, you will be invited to attend and will be able to bring someone to accompany you.
16. A Complaints Review Panel will be formed as a temporary committee of the Parish Council. The panel will consist of all members of the council to ensure that three members of the committee are available, at short notice, to review a complaint. The Review Panel has delegated authority from HPC to review and decide on complaints.
17. Three members will review a complaint; this ensures that the panel will be quorate and that the number of members present is not excessive.
18. The panel is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when such a meeting is called.
19. The Review Panel will aim to meet within seven working days of being notified by the Clerk.
20. Seven working days prior to the meeting, you should provide HPC with copies of any documentation or other evidence, like photographs, which you will refer to at the meeting. Likewise, HPC will provide you with documentation that it will rely on at the meeting.
21. A complaint against HPC is considered to be personal to you and will be treated as confidential unless you confirm that you waive your right to confidentiality. This means that a Complaints Review Panel will need to 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, but the exclusion of the press and public may be necessary if there are matters that involve individual identified members of staff.
22. The Complaints Review Panel Meeting:
  - The Chairman of the Review Panel will introduce everyone.

- The Chairman will explain the procedure to be used.
- The complainant (or their representative) shall be invited to outline the grounds for complaint.
- Panel members will be given the opportunity to ask any question of the complainant.
- If relevant or necessary, the Clerk, on behalf of the Council, will explain the Council's position.
- Panel members may ask any questions of the Clerk.
- The complainant and the Clerk will be offered the opportunity to sum up their position.
- The complainant and the Clerk will be asked to leave the room while panel 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.

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

**Appeals against decisions taken:**

24. If you wish to appeal against the process through which the decision was reached you may appeal in writing, stating the full grounds of the appeal, to the Clerk within 7 working days of the date on which you received the written decision.

25. If HPC agrees to hear the complaint on this basis, it will give written notice of the date, time and place of the appeal hearing. The appeal hearing will be limited to a review of the procedures that were followed and not a review of the original decision given.

26. Where possible the appeal hearing will be conducted by Councillors who were not previously involved in the case.

27. Following the appeal hearing HPC will confirm, in writing and within seven working days, the outcome of the appeal.

**NOTE: Parish Council Staff**

28. A formal complaint is a serious matter. A complaint involving a member of the Council's staff could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment.

29. HPC 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.