
Kenn Parish Council

Handling Complaints

Adopted by Kenn Parish Council
on 6 July 2015 (min 15/119)

Kenn Parish Council

Procedure for Handling Complaints against the Parish Council.

Kenn Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. The Parish Council is firmly resolved to conduct its business in a fair and equitable manner. To meet this standard the following complaints procedure has been adopted.

(1.) Misconduct by Parish Councillors.

All councillors have to conform to the Code of Conduct, which covers misconduct as detailed in the adopted Model Code of Conduct (copy available from the parish clerk). Any member of the public, parish councillor or council personnel can make a complaint using The North Somerset Council complaints procedure details of which can be found on the North Somerset Council website <http://www.n-somerset.gov.uk/councillors/complain> or obtained from North Somerset Council.

The Parish Council has a separate policy (Code of Conduct Complaints) detailing the process it would take if it was informed of a complaint to the Monitoring Officer at North Somerset Council.

(2.) Behaviour of Councillors.

At its meeting on 6 July 2015 (min 15/119) the Parish Council decided to identify and adopt a positive statement about the behaviour that it expected from parish councillors.

- *A parish councillor should act respectfully, accept the rules and regulations of debate (as in the Standing Orders), never act offensively or conduct themselves in a way that could be considered offensive or unacceptable by a 'right thinking person'.*
- *A parish councillor should respect the rights of fellow councillors and other people to have their own opinion and be willing to consider all arguments before making a decision.*
- *If a parish councillor holds an office of the council they must never abuse the position they hold. They are responsible for ensuring that decisions are reached after balanced argument and that no parish councillor is denied their basic right to express an opinion.*

(3.) Misconduct by Council personnel.

Any complaints should be made in writing to the Chairman of the Parish Council, the address is available from the parish clerk or if a letter is sent to the clerk it will be passed onto the Chairman. The matter will come under the adopted Disciplinary Procedure of the Parish Council

(4.) Grounds for complaints against the Parish Council.

A complaint made on the grounds that the complainant does not agree with a decision of the Parish Council will not be deemed as valid.

The complainant will need to show that the Parish Council did not follow correct procedure or policy and this has resulted in unfair treatment. The Parish Council has appropriate policies and procedures and its minutes and most records are open for public scrutiny. This is in accordance with the Freedom of Information Act 2000 – Publication Scheme, a copy of which is available from the parish clerk or can be viewed on the Parish Council's website: www.kenn-pc.org.uk

The Local Government Ombudsman is unable to deal with complaints about Parish Councils as its legal remit only covers County, District and Borough Councils.

(5.) Procedures for use in complaints against the Parish Council

It is in the particular interest of a Parish Council to settle a complaint because, even if it is unjustified, it will in the absence of a settlement be raised again. This is bad for the council since it wastes time and affects its reputation.

Informal Enquiry – If an enquiry about procedures or administration is notified orally to a councillor or clerk they will endeavour assist and to reply as fully as possible.

Formal Complaint – The Parish Council's Complaints Procedure will be accessible to any complainant, via Council's Freedom of Information Act 2000 (FOI) Publication Scheme, on a request to clerk or by downloading it from the Parish Council web site: www.kenn-pc.org.uk

5. Procedures for use in complaints against the Parish Council continued....

1. All formal complaints against the Parish Council must be communicated in writing. A form has been provided to assist with this or the complaint can be submitted as a letter.
2. The complainant must confirm if he/she wants the complaint to be treated confidentially.

Receipt of the Compliant

3. On receipt of a written complaint the complainant will be acknowledged in writing:
 - 3.1 within5..... working days
 - 3.2 confirming if the complaint will be treated as confidential
 - 3.3 confirming the next steps in the complaints procedure
 - 3.4 details of who will deal with the complaint (ie persons, or committee, sub-committee etc)

Investigating the Complaint

4. The council will need to investigate the facts and collate relevant evidence:
 - 4.1 With regard to complaints which fall within the grounds of paragraphs (1.) and (3.) on page 1 of this document, the complainant shall be advised these dealt with as follows:
 - Personnel – internally under the adopted Disciplinary Procedure of the Parish Council
 - Councillors – the Parish Council shall not get involved with complaints about the misconduct of a councillor but will instead refer the complainant to the Local Monitoring Officer of NSC.

For all other valid complaints:

- 4.2 The Parish Council shall only defer dealing with any written complaint if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.
- 4.3 Otherwise the timeframe for investigating the complaint will be3..... weeks
- 4.4 If appropriate the Parish Council will try to settle the complaint directly by offering to the complainant a meeting with the clerk and chairman, or complaints committee, sub-committee etc.
But shall not do so in respect of a complaint about the behaviour of the clerk or a councillor, without first notifying the person involved and giving them an opportunity to comment on the matter – to enable the Parish Council to determine if they fall within 4.1 above.

Prior to a meeting with the complainant:

- 4.5 The Parish Council will supply the complainant, ...7...working days before the meeting, with copies of any relevant Parish Council documents, which have been requested and available under the Freedom of Information Act - Publication Scheme.
- 4.6 The complainant shall provide ...7...working days before the meeting, the clerk/chairman, or complaints committee, sub-committee etc, any new information or other evidence relevant to the complaint.
- 4.7 In response to 4.6 – as soon as possible before the meeting the clerk/chairman, or complaints committee, sub-committee etc shall provide the complainant with any new information or other evidence relevant to the complaint and which are available under the Freedom of Information Act - Publication Scheme.

Arrangements for meeting with the complainant (if requested):

5. The clerk to advise the complainant:
 - 5.1 when and where the meeting will occur
 - 5.2 that during the meeting there will be an opportunity for the complainant to make verbal representations (and bring a friend for support if they wish, but the friend will not be able to speak on their behalf)
 - 5.3 Procedures at the meeting:
 - Everyone should introduce themselves.

continued.....

5. Procedures for use in complaints against the Parish Council continued....

5.3 Procedures at the meeting continued....

Then the format of the meeting should be explained, which will be as follows:

- The complainant will be asked to outline the grounds of the complaint.
- Then the clerk/chairman, or complaints committee etc, will have the opportunity to explain the Parish Council's position and ask questions of the complainant.
- The clerk/chairman, or complaints committee etc, will summarise their position.
- Then the complainant will summarise their position.
- The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

After the Complaint has been decided:

6. Within ...7... working days of the meeting the complainant shall be advised in writing:
 - 6.1 of the decision and, if appropriate, the nature of any action to be taken
 - 6.2 that unless new evidence can be provided in writing by the complainant which would support an appeal, there will be no appeal on the decision of the council to the initial complaint.

Deferring a decision:

7. The Parish Council will only defer dealing with any written complaint if, after the meeting with the complainant and arising from information provided during that meeting, it is of the opinion that issues of law or practices have been raised for which it is necessary to seek advice.
 - 7.1 The complaint shall be dealt with at the next meeting after the advice has been received.
 - 7.2 The complainant shall be advised in writing of the date, time place etc of the meeting to listen but not speak further.

Procedures relating to 4.2 and 7 above:

8. The chairman/clerk or complaints committee shall bring any written complaint that has not been settled to the next meeting of the Parish Council.
9. The Parish Council at the meeting (referred to in 8 above) shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Parish Council meeting in public.

In the interest of openness and accountability there must be clear relevant reasons or a request from the complainant for the matter to be held without the presence of the press or public.

KENN PARISH COUNCIL COMPLAINTS FORM

CONTACT DETAILS	
Title:	
First Name:	
Surname:	
Address:	
Postcode:	
Telephone No:	
E-mail address:	
Date:	

COMPLAINT DETAILS	
Do you wish this complaint to be treated confidentially?	
Please give details of the complaint, please continue on separate sheet if necessary:	
What is/are your suggestions to with regard to this problem:	
Have you complained about this matter before:	
If yes, when:	

When completed this form should be sent to:

The Parish Clerk, Address email address.....

Or

If the complaint concerns the Parish Clerk the form should be sent to:

The Parish Council Chairman email address.....

Kenn Parish Council **Policy dealing with Code of Conduct Complaints**

Kenn Parish Council makes strenuous attempts to always work in an open and accountable way. It is recognised that there might be complaints against Parish Councillors but in order to be fair to individual members the Parish Council will not publicly acknowledge such a complaint until the independent Monitoring Officer (MO) of the North Somerset Council (NSC) Standards Committee consider that there is a case to investigate.

Details of how to make a complaint are at the North Somerset Council (NSC) website:
<http://www.n-somerset.gov.uk/councillors/complain>

When the NSC Standards Committee is considering a complaint about a Parish Councillor it is required to notify the Parish Council of certain information at various stages of the case handling process. Three stages exist and whilst at stage 1 and 2 the complaint is not advertised by the Monitoring Officer or NSC the complainant might decide to advertise/go public about his or her complaint.

Stage 1. NSC Monitoring Officer receives a complaint of misconduct and refers it to the district council's standards sub-committee. The sub-committee decides whether to;

- a) ask the MO to investigate,
- b) direct the MO to take other action (eg training), or
- c) take no further action.

No investigation takes place at this stage and the complaint is dealt with on the basis of the written complaint, although the MO may ask the Parish Clerk for certain detail, e.g. the councillor's acceptance of office, minutes of relevant meetings, copy of parish code of conduct. At this stage NSC does not publish details.

Stage 2. If 1 (a) above is the decision taken the NSC Monitoring Officer will instruct an Investigating Officer (IO) to undertake an investigation, and will report to the standards sub-committee.

- If the IO finds no breach the sub committee can accept this finding or refer the matter to a hearing.
- If the IO finds a breach the sub-committee can refer the complaint (if it is serious) to the national panel or to a hearing by the sub-committee.

Stage 3. The standards sub-committee holds a hearing in public. The IO calls evidence and the member who is being complained about will usually attend and present a case in their defence. The sub committee will usually withdraw from the public to consider the evidence and will return to announce the decision. At the conclusion of the investigation the standards committee might decide, amongst other things, (and other options are open to the standards committee)

- That the councillor be censured
- That the councillor makes a written apology
- That the councillor be suspended for up to 6 months.
- That there has been no breach of the code

The Kenn Parish Council procedure for dealing with notification of a complaint about a councillor is;

Stage 1.

On notification of a complaint the Chairman of the Parish Council (or if necessary the Vice Chairman or Clerk) will write a **confidential** briefing note to all councillors stating that Councillor X is the subject of a complaint to the MBC Standards Committee. In the interests of fairness the issue/complaint will not be discussed at any Parish Council meeting.

If the decision is to take no further action then the Chairman of the Parish Council (or if necessary the Vice Chairman or Clerk) will write a **confidential** briefing note to all councillors stating no further action is being taken. The issue/complaint will not be discussed at any Parish Council meeting and it is up to Councillor X whether he/she wishes to have the complaint acknowledged publicly as unfounded.

Stage 2

On notification that this is going to stage 2 the Chairman of the Parish Council (or if necessary the Vice Chairman or Clerk) will again write a **confidential** briefing note to all councillors stating that the complaint is being investigated further.

The issue/complaint will not be discussed at any Parish Council meeting* however the Chair and Vice Chairman may wish to draft a press release in case the complaint becomes public. The press release will stick to the facts and not comment on the actual complaint.

If the decision is to take no further action then the Chairman of the Parish Council (or if necessary the Vice Chairman or Clerk) will write a **confidential** briefing note to all councillors stating no further action is being taken.

Stage 3.

On notification that this is going to stage 3 the Chairman of the Parish Council (or if necessary the Vice Chairman or Clerk) will again write a briefing note to inform all councillors of the situation. The issue will be acknowledged as an item at the next Parish Council Meeting.

The Parish Council (and individual councillors if approached) will stick to the facts and not comment on the actual complaint. The press release may be released if necessary.

At conclusion of stage 3 the Parish Council may prepare another press release and also acknowledge the decision of the standards committee. A draft of this press release will be supplied to all councillors. If it is felt necessary an emergency Parish Council meeting will be arranged.

Note. A decision/recommendation made by the NSC standards committee might require the Parish Council to discuss generalities (i.e. need for and cost of training) but specifics of the complaint/decision will not be discussed.