

# COLTON PARISH COUNCIL

## CODE OF PRACTICE FOR COMPLAINTS AGAINST THE COUNCIL

*(modified with reference to NALC Legal Topic Note LTN 9E October 2022, Handling Complaints)*

Colton Parish Council aims to operate on a way that is open, transparent and fair. The Council welcomes feedback from the public at all times in the event that the Council actions do not satisfy those of a member of the public.

### CONTEXT

1. Complaints about an employee of the Council, i.e. the Parish Clerk should be dealt with as an employment matter. Full details of the complaint should be put in writing and sent to the Chair of the Council. The correspondence must not be copied to any other Councillors, as this could prejudice the Council's ability to deal with the complaint under the disciplinary and grievance procedures. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.
2. Complaints about a Councillor are subject to the jurisdiction of SLDC, soon to be Westmorland and Furness Council, and complainants should be advised to contact the Monitoring Officer for further information.
3. The code of practice within this guidance is therefore aimed at those situations where a complaint has been made about the administration of the Council or about its procedures. It is not really an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

Colton Parish Council has a two stage complaints procedure:-

Stage one- if complaints are made to the Council either in person, by telephone, letter or email the Parish Clerk will try to resolve the complaint informally in a timely manner.

Stage two- If the complainant is not satisfied he/she will be asked to submit a formal complaint, these will be treated in confidence by the Council, with the outcome noted and minuted appropriately at the following Parish Council meeting

Appeals- complainants should be advised that there is no appeals procedure following the conclusion of the (formal) stage two procedure.

### PROCEDURE FOR FORMAL COMPLAINTS

#### Before the Meeting

1. The Standards Working Group (SWG) of the Council will investigate the facts of the complaint and collate the relevant evidence thereby making a commitment to resolve issues without needing to employ a full complaints hearing
2. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk
3. If the complainant does not wish to put the complaint to the Parish Clerk, they may be advised to put it to the Chair or Vice-Chair of the Council
4. The Parish Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Standards Working Group (comprising three councillors not involved in the "dispute" in question) established for the purposes of hearing complaints. The complainant also will be asked to confirm whether they want the complaint to be treated confidentially

## COLTON PARISH COUNCIL

5. The complainant will be invited to attend the relevant meeting with the SWG and bring with them a representative should they so wish
6. Seven clear days prior to the meeting, the complainant shall provide the SWG with copies of any documentation or other evidence relied on. The SWG shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting, allowing the claimant the opportunity to read the material in good time for the meeting

### At the Meeting

1. The SWG shall meet with the complainant in private but record the outcome for reasons of transparency. Any recommendation(s) regarding the outcome of a complaint shall be minuted at the following Parish Council meeting, anonymising details that would identify the complainant and/or members involved
2. The Chair (of the SWG) shall introduce everyone and explain the procedure
3. If the Clerk is not presenting the case on behalf of the PC, and instead an “expert Councillor” is undertaking this role, their role is to assume a neutral position, provide legal guidance and to maintain order to the proceedings
7. The complainant (or representative) will be invited to outline the grounds for complaint
8. Questions may be asked by i) the Parish Clerk (or nominated “expert” Councillor) and then ii) other SWG members
9. The Parish Clerk (or nominated “expert” Councillor) will have an opportunity to explain the Council's position and questions may be asked by i) the complainant and then ii) SWG members
10. The Parish Clerk (or nominated “expert” Councillor) and then the complainant will be offered the opportunity to summarise their position
11. The Parish Clerk (or nominated “expert” Councillor) and the complainant will be asked to leave the room while members of the SWG 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
15. The Parish Clerk (or nominated “expert” Councillor) and the complainant will be given the opportunity to wait for details of the SWG recommendation 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 will be communicated to them
16. The complainant should be advised that there is no appeals process to be followed if their complaint is not upheld

### After the meeting

17. The SWG recommendation will be made to the full Parish Council meeting who will then discuss and formally ratify (or not) and minute the outcome of the complaint
18. The decision will be confirmed in writing within seven working days, together with details of any action to be taken

*Adopted as part of Colton Parish Council Standing Orders, March 2023, minute ref 143/2022e to be reviewed March 2025*