



ASHURST WOOD VILLAGE COUNCIL

COMPLAINTS POLICY

Contents

1. Introduction
2. Informal Complaints
3. Formal Complaints
4. Complaints referred to Parish Council meeting
5. Complaints regarding employees of the Council

1. Introduction

1.1. Ashurst Wood Village Council (the Council) aims to provide a good standard of service to all residents of the parish. This policy sets out how to make complaints about the Council's performance and how complaints will be dealt with. It is intended that complaints will be handled as quickly as possible and in a fair and open manner.

1.2. This policy applies when one or more members of the public is dissatisfied about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or by a person or body acting on behalf of the Council.

1.3. This policy does not apply to:

a) complaints by one Council employee against another Council employee, or by a Council employee against the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.

b) complaints about the behaviour of Councillors. Complaints relating to failure to comply with the Council's adopted Code of Conduct for Members should be referred to the Standards Committee of Mid Sussex District Council (MSDC). Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer of MSDC.

c) Complaints about decisions made by the Council. The appropriate time for influencing Council decision-making is by raising concerns before the Council debates and votes on a matter. Written representations may be made to the Council in advance of the meeting at which the item is to be discussed. Comments and questions may also be raised during public question time at the start of every Council meeting. 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 process set out in Standing Orders is followed.

d) Allegations of criminal activity. These should be made to the Police.

1.3. The Council will not acknowledge or consider any complaints which are submitted anonymously.

1.4. This policy does not affect a complainant's right to seek independent legal advice about any possible action against the Council.

2. Informal Complaints

2.1. It is hoped that most complaints can be resolved quickly and amicably through this route.

2.2. Informal complaints can be made by telephone, email or in person by visiting the Council's offices. The complaint will be handled by the Clerk or, in the absence of the Clerk, the Assistant Clerk.

2.3. Complaints should always be directed through the Council office, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints.

2.4. Wherever possible, the Clerk will try to resolve the complaint immediately. If this is not

possible, the Clerk will try to respond to the complaint within five working days. The Clerk's response will be in the form of a written or verbal explanation or clarification, after discussion with other employees or Councillors where appropriate.

2.5. If a complainant is not satisfied by an informal response, or the complaint is considered to be too serious for such an approach, then the formal complaints procedure should be followed.

3. Formal Complaints

3.1. The Clerk is the Proper Officer of the Council and is responsible for managing the complaints process. However, if a formal complaint is being raised against the Clerk, then the process should still be followed, but the Chairman of the Council would take the place of the Clerk in managing the process.

3.2. A formal complaint should be made by letter or email addressed to the Clerk or Chairman as appropriate, marked "Confidential – Formal Complaint". The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

3.3. The Clerk or Chairman will acknowledge receipt of the complaint within 5 working days. An initial investigation will be carried out into the complaint and the Clerk or Chairman will endeavour to report back to the complainant within 14 working days with a suggested resolution. This will not be done without first notifying any person complained about and giving him or her or an opportunity to comment.

3.4. The Clerk or Chairman will report to the next meeting of the Council, providing a summary of the details of the complaint and of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.

3.5. If the Clerk or Chairman is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next full Council meeting.

4 Complaints referred to Village Council meetings

4.1. If the complaint has not been resolved and is to be referred to a Council Meeting, the Clerk will notify the complainant of the date of the meeting and invite him or her to attend.

4.2. The Council and the complainant will provide each other with copies of any documentation or other evidence upon which they intend to rely at the meeting. Such items must be provided at least seven clear working days prior to the meeting.

4.3. At the meeting, the Council will consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public; but any decision on the complaint will be announced at the Council meeting in public.

4.4. If the complainant is present, the Council will resolve to suspend Standing Orders to allow him or her to speak. The complainant will be invited to explain details of the complaint. Councillors may ask any questions of the complainant. If relevant, the Clerk will explain the Council's position including details about any response already made to the complainant. Councillors may ask questions of the Clerk. The complainant will be offered a further opportunity to summarise his or

her position and the Clerk will be offered the opportunity to make any final comments. The Clerk and complainant will then leave the room while the Council considers its response to the complaint.

4.5. The decision will be announced at the meeting in public together with details of any action to be taken. If the decision cannot be made immediately the Council will announce when it will be made.

4.6. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary including legal advice. The advice will be considered and the complaint dealt with at the next Council meeting after the advice has been received

4.7. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

4.8. The Council's decision will be confirmed in writing to the complainant no more than 10 working days after it has been made.

5 Complaints regarding employees of the Council

5.1. A complaint against a member of the Council's staff could result in disciplinary action, or in cases of gross misconduct dismissal from the Council's employment. The Council 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.