



GREAT HORKESLEY PARISH COUNCIL

COMPLAINTS PROCEDURE

Reviewed and Approved on the 21 January 2020

Minute Ref: 13a.

This procedure sets out options available to a person who wishes to make a complaint in relation to the actions or decisions of the Parish Council, individual councillors or Clerk.

The Parish Council, its individual councillors and Clerk would wish always to settle any complaints at an informal level and therefore any person that feels aggrieved in anyway is encouraged, where the circumstances warrant, to address any issues to the person concerned. This is often beneficial where complaints occur due to misunderstandings which can be resolved by seeking further information. This also enables matters to be resolved quickly before they escalate and become more difficult to resolve. However, in some cases, where for example there is a serious complaint against an individual it would not be appropriate to approach the individual concerned although the individual will need to be given the opportunity to respond to any allegations made.

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. The Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. However, despite the opportunities available for the public to put their views in advance of decisions being made sometimes things can go wrong with this process and the Council is always anxious to resolve any issues that arise from this. Therefore, 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 procedure sets out how you may complain to the council and how we will endeavour to resolve your complaint within a reasonable period of time

The following examples set out the relevant procedures for different types of complaint which are open to complainants.

	Type of Complaint	Procedure
1	Complaint about the actions of the Clerk.	a) Ask the clerk to explain actions if appropriate. b) If not appropriate or you consider the Clerk's response to be unsatisfactory submit a formal written complaint to the Chairman of the Council. The Chairman will deal with any such complaint through the Council's disciplinary procedures.

	Type of Complaint	Procedure
		<p>c) These procedures are normally dealt with as confidential staffing matters.</p>
2	<p>Complaint about the actions of an individual councillor (including Chairman).</p>	<p>a) Ask the councillor to explain actions if appropriate.</p> <p>b) If not appropriate or you consider the councillor's response to be unsatisfactory and you have evidence of misconduct by a parish councillor contrary to the code of conduct and want to make a formal complaint about their behaviour you'll need to write to Colchester Borough Council by submitting your complaint in writing to:</p> <p style="text-align: center;">The Monitoring Officer Colchester Borough Council Rowan House 33 Sheepen Road Colchester CO3 3WG.</p> <p>Notes: (i) The allegations sub-committee can only deal with complaints about the behaviour of a councillor. It will not deal with complaints about things that are not covered by the Members' Code of Conduct.</p>
3	<p>Complaint about the decisions or procedures of the Council or Committees (if any) or delays or failure to fulfil statutory responsibilities or published standards of service.</p>	<p>a) Ask the Clerk to explain the decision or perceived shortfall. (If this is a procedural or legal matter the Clerk will normally respond directly whereas if it is a policy matter decided by the Council this may be referred to the Chairman for a response). In any event you will receive a response within seven days unless lengthy investigations are needed in which case you will be consulted on an appropriate timescale.</p> <p>b) If not appropriate or you consider the response to be unsatisfactory you should ask for the matter to be referred for resolution by the Council. In this event the matter will be discussed at the next Council Meeting provided there is sufficient notice to place the item on the agenda and prepare any necessary report. If not the item will be placed on the agenda for the next month's meeting unless there are exceptional circumstances in which case complainants will be consulted on an appropriate timescale. The Council will endeavour to deal with all complaints within 12 weeks. Complainants will be</p>

	Type of Complaint	Procedure
		<p>given sufficient notice of the time and place of the meeting and given the opportunity to present their case in person. Where it appears that a matter is of a confidential nature the Council will consider excluding other members of the public. (NB: The Council will not consider any matters that it has previously considered in detail where the substance of the complaint has already, in generality, been taken into account).</p> <p>c) As a variation of b) above you may also raise a complaint at the next meeting of the council during the public speaking session. (the Council may decline to discuss the matter if it has previously been considered in detail where the substance of the complaint has already, in generality, been taken into account. However, the Chairman may issue an explanation of the Council's decision where this is not covered by the Frequently Asked Questions on the website). In all other respects the complaint will be dealt with under the published procedure for public speaking or this complaints procedure as appropriate.</p> <p>d) Following the decision of the Council on whether to uphold the complaint or not and on any redress that is due the Clerk will write to the complainant to confirm the decisions made within seven days. There is no further avenue available to the complainant once the matter has been decided by the Council unless relevant new evidence comes to light. However, the Council can only reconsider its decisions in accordance with Standing Order 11.</p> <p>Notes</p> <p><u>(i) Standing Order Clause 11</u></p> <p>a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least (3) members of the Council, or by a motion moved in pursuance of the report or recommendation of a committee, sub committee or working party.</p> <p>b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.</p> <p><u>(ii) Ombudsman</u></p> <p>Complaints against parish councils are not normally dealt with by the Local Government Ombudsman except when they are acting on behalf of a borough or county council. See detailed note below:</p> <p><u>(iii) Detailed Note:</u> The Local Government Ombudsmen for England investigates complaints against local authorities. The Ombudsmen can only look at complaints about services or things that went wrong that are the fault of the authorities. They cannot investigate council staff or decisions you don't agree with.</p> <p>The Local Government Act 1974 [S34 (1)] defines the authorities that the Local Government Ombudsman may investigate. Parish and town councils are not included in this definition. But they may be able to consider a complaint about a parish or town council if it is acting on behalf of another</p>

	Type of Complaint	Procedure
		<p>council. The example given by the Ombudsman is, "if a county council has arranged that the parish council should maintain the grass verges, then we may be able to look at a complaint about this." Great Horkeley Parish Council does maintain its own street lights and bus shelters but this is not strictly speaking on behalf of the County Council as they are additional facilities provided by the Parish Council.</p>
4	<p>Allegations of financial irregularities or other criminal acts.</p>	<p>a) Allegations of financial irregularity should be submitted to the Council's contracted Internal Auditor:</p> <p>NB: local electors have a statutory right to object the Council's audit of accounts pursuant to s.16 of the Audit Commission Act 1998. Further information can be obtained from:</p> <p style="text-align: center;">PKF Littlejohn LLP Ref: SBA, 2nd Floor 1 Westferry Circus Canary Wharf London E14 4HD</p> <p>b) Allegations of criminal acts should be reported to the Police.</p>

Please also refer to the General Guidance Notes and Contact Information below:

- (i) All formal complaints must be made in writing and signed by the complainant unless for any valid reason the complainant is unable to write. (This does not preclude an oral complaint being made preparatory to submitting a formal written complaint).
- (ii) The receipt of the complaint will be acknowledged in writing within 7 days.
- (iii) The council will endeavour to deal with all complaints within 12 weeks. If an extension is required the complainant will be kept informed.
- (iv) Complainants should be prepared to give evidence in person if required although all complaints will be dealt with in confidence and in accordance with the General Data Protection Regulation Act 2018.
- (v) Where a complaint has been referred to the Council for discussion the complainant will be offered the opportunity to attend in person and give oral evidence.
- (vi) Anonymous complaints to the Parish Council or other bodies will be investigated but complainants should note that these may be impossible to progress or conclude if they cannot be substantiated by other means.
- (vii) The Council, individual councillors and the Clerk may elect not to deal with any

complaint that appears to be vexatious.

- (viii) Contact can be made with the Parish Clerk, (Penny Mutch) by telephone on 073750 95486 or by e-mail at parish-clerk@greathorkesley-pc.gov.uk or by letter to; 43 Grantham Road Great Horkesley Colchester CO6 4TU.**
- (ix) Contact can be made with the Chairman (Councillor Mick Mead) by telephone on 077457 64128.**