



## **COLEHILL PARISH COUNCIL**

### **COMPLAINTS POLICY – UPDATED 15<sup>th</sup> July 2022**

#### **1. Applicability of this Complaints Process**

1.1 Colehill residents may wish to complain about the decisions, the procedures, or the conduct of the members or staff of Colehill Parish Council. Please note: it may be appropriate for bodies other than Colehill Parish Council to investigate the following types of complaint:

- **Financial irregularity:** the Council may need to consult its auditor.
- **Criminal activity:** the Council must report this type of complaint to the police.
- **Member's conduct:** If the complaint relates to a failure by a councillor to comply with the Council's Code of Conduct, the complaint must be submitted to the Dorset Council Monitoring Officer, see section 2 below, this complaints procedure will not apply.
- **Employee conduct:** The council should refer to its internal disciplinary procedure.

#### **2. Complaint relating to breach of Code of Conduct by a Councillor**

2.1 Complaints against individual councillors that involve a breach of our Code of Conduct should be made to the Monitoring Officer of Dorset Council. The Monitoring Officer can only deal with Code of Conduct complaints. They will not deal with complaints outside of their remit. You should check Colehill Parish Council's Code of Conduct before proceeding.

2.2 Code of Conduct Complaints should be in writing and addressed to:

Mr Jonathan Mair, Monitoring Officer, Dorset Council, County Hall, Colliton Park,  
Dorchester, Dorset, DT1 1XJ. Tel. 01305 224181  
Email: [jonathan.mair@dorset.gov.uk](mailto:jonathan.mair@dorset.gov.uk)

#### **3. Informal Complaints (regarding Council decisions or procedures)**

3.1 **Definition:** A complaint is an expression of dissatisfaction by one or more members of the public 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, a person, or body acting on behalf of the Council.

3.2 It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk or Chair of the Council will resolve most issues raised by a member of the public.

3.3 Any informal complaint will be brought to the Council by the Clerk or the Chair of the Council to be noted.

#### **4. Formal Complaints (regarding Council decisions or procedures)**

##### **Before the meeting:**

4.1 In order for the complaint to be considered by the Council, the complainant will be asked to put the complaint in writing to the Clerk. The Clerk's contact details are:

The Parish Clerk, Colehill Parish Council, 17 Four Wells Road, Colehill Dorset BH21 7BA

4.2 If a complainant does not wish to put the complaint to the Clerk, they may alternatively address it to the Chair of the Council.

See our website: [Colehill.gov.uk/the-council/councillors/](http://Colehill.gov.uk/the-council/councillors/) for the Chair's contact details.

4.3 The Clerk will acknowledge receipt of the complaint, advise the complainant when the matter will be considered by the Council, and provide a copy of this complaints process.

4.4 The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.

4.5 Seven clear working days prior to the meeting, the complainant will provide the Council with copies of any documentation, or other evidence, which they wish to refer to at the meeting. The Council will similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

##### **At the meeting:**

4.6 Two nominated councillors will not take part in the proceedings, so that they are available to handle any appeal if required.

4.7 Press and public will be excluded from the meeting.

4.8 The Chairman of the meeting should introduce everyone and explain the procedure.

4.9 The complainant (or representative) should outline the grounds for complaint before any questions from the Clerk and then from Council members.

4.10 The Clerk should explain the Council's position before any questions from the complainant, and from Council members present.

4.11 The complainant and then the Clerk will each be given an opportunity to summarise their respective positions.

- 4.12 The Clerk and the complainant will then leave the room while members decide whether or not the grounds for the complaint have been made. N.B. If a point of clarification is necessary, both parties will be invited back.
- 4.13 The Clerk and complainant return to hear decision or to be advised when a decision will be made if there is a reason to defer.

**After the meeting:**

- 4.14 The decision should be confirmed in writing within seven working days together with the reasons for the decision reached and details of any action to be taken by the Council if appropriate. The Council should notify the complainant in writing of their right to appeal the decision if they think the complaints process hasn't been followed.
- 4.15 The result of the proceedings should be reported at the next Council meeting after the appeal period has passed, ensuring that confidential issues are appropriately respected.

**Appeals**

- 4.16 The complainant may decide to appeal the decision within fourteen days of receipt of the result of the proceedings.
- 4.17 The two councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint.
- 4.18 If procedures were correctly handled by the Council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for re-consideration, and may require a full rehearing.
- 4.19 The appellant should be notified of the result of the appeals process within fourteen days.

**5. Unreasonable and Vexatious Complaints**

- 5.1 There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council (or a Committee) has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. The Clerk (or Chair of the Council) will refer these matters to the Council with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## Version History

Date	Summary of Changes
26/1/21	Policy re-written based on the NALC Legal Topic Note LTN9E. Key changes are: <ul style="list-style-type: none"><li>- Code of conduct complaints must be referred to the Monitoring Officer, this follows from a 2018 court case which found parish councils do not have powers to investigate conduct.</li><li>- Including an appeals process.</li><li>- Including a process to handle unreasonable and vexatious complaints.</li></ul>
15/7/22	In sect 4.2 a website link added for the Chair's contact details.

This Policy will be reviewed annually, the next review is due Jan 2022.