



Chailey Parish Council

COMPLAINTS PROCEDURE

1. Introduction

- 1.1 Chailey Parish Council (“the Council”) is committed to providing a service of quality to all those who use its services. However, it may be that the standard of service provided by the Council, or an action or lack of action by it or a person or organisation working on its behalf, causes dissatisfaction.
- 1.2 The Council expects that the majority of issues can be resolved informally, without reference to the procedure for dealing with a formal complaint set out in this Complaints Procedure. In the first instance the best course of action for anyone who has a complaint is to contact the Clerk to the Council (“the Clerk”) or the Chair of the Council (“the Chair”) who will endeavour to address and resolve the issues giving rise to the complaint. The procedure for resolving complaints informally is set out in parts 3 and 9 of this Complaints Procedure.
- 1.3 If the Clerk or Chair is unable to resolve the issue(s), or otherwise if desired, a formal complaint may be made to the Council using this Complaints Procedure and the code of practice set out herein. Details of how to make a formal complaint and how the Council will seek to address it are set out in parts 4 to 9 of this Complaints Procedure.
- 1.4 Contact details for the Clerk, the Council and the Chair are given in part 10 of this Complaints Procedure and are available on the Council’s website at chailey.org.
- 1.5 The best way of seeking to influence the behaviour of or decision making by the Council is by raising concerns or issues before the Council discusses and decides on the matter. This can be done by making contact with the Council, through the Clerk, at an early stage. All meetings of the Council and its Committees are open to the public and, subject to the Council’s Standing Orders, members of the public are always afforded an opportunity to speak at the beginning of the meeting. It should be noted that, under the Standing Orders, once a decision has been made the Council is normally prevented from re-opening the issue for six months from the date of the original decision.

2. Exclusions

- 2.1 It will not be appropriate to deal with all complaints from members of the public under this Complaints Procedure, which is designed to govern complaints about the Council's procedures and administration. Complaints relating to the matters set out in the table below should be dealt with as set out in the table:

Type of conduct	Refer to
Financial irregularity	Local electors have statutory rights to inspect accounting records and to ask questions of the Council and the Auditors. Further details can be obtained on application to the Clerk.
Criminal activity	The police
Councillor conduct contrary to the Code of Conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer at Lewes District Council
Employee conduct	To be dealt with by reference to the Council's relevant employment policies

3. Code of practice for informal complaints: resolving complaints informally

- 3.1 An informal complaint about the Council's procedures or administration should be made to the Clerk. This can be done in person, over the telephone, by email or by letter. Alternatively, a complaint may be made to the Chair using any of the same methods of communication.
- 3.2 The Clerk or the Chair shall acknowledge receipt of the complaint within 5 working days.
- 3.3 Every effort will be made to resolve a complaint made to the Clerk or the Chair under this part 3 as soon as practicable. If it is likely that it is going to take longer than 15 working days from the date of acknowledgment to resolve the issues giving rise to the complaint, this will be communicated to the complainant as soon as that likelihood becomes apparent.

3.4 Every effort shall be made by the Clerk or the Chair to keep the complainant informed of the progress in resolving the issues giving rise to the complaint.

3.5 The Clerk or the Chair shall inform the complainant in writing (by email or letter) of the outcome of the complaint and what steps the Council proposes to take.

3.6 The Chair shall inform the Council of any informal complaint made under this part 3. This will be done at the next meeting of the Full Council or, if the Chair thinks it appropriate, to all members of the Council at an earlier time.

4. Code of practice for formal complaints: introduction

4.1 The purpose of the code of practice for formal complaints is to:

- i. provide a standard and formal procedure for considering formal complaints, either made by complainants directly or which have been referred to the Council from other bodies;
- ii. ensure that complainants feel satisfied that their grievance has been properly and fully considered;
- iii. make the process reasonable, accessible and transparent; and
- iv. ensure that the rules of natural justice will apply and all parties are treated fairly.

5. Code of practice for formal complaints: making a complaint

5.1 All formal complaints shall, subject to 5.2 below, be put in writing (by email or letter) to the Clerk.

5.2 If the complainant does not wish to make their formal complaint to the Clerk (for example as it relates directly to the Clerk), they shall put it in writing (by email or letter) to the Chair.

5.3 The Clerk or the Chair shall acknowledge receipt of the complaint within 5 working days.

5.4 The Clerk or the Chair shall, when acknowledging receipt of the complaint, ask the complainant to confirm in writing (by email or letter) whether they wish the complaint to be dealt with confidentially.

5.5 When acknowledging receipt of the complaint, the Clerk or the Chair shall (1) outline the procedure that will be followed to investigate the complaint, and (2) say who will be dealing with the complaint.

5.6 The Chair shall inform the Council of any formal complaint made under this part 5. This will be done at the next available meeting of the Full Council or, if the Chair thinks it appropriate, to all members of the Council at an earlier time.

6. Code of practice for formal complaints: investigating and determining a complaint

- 6.1 A formal complaint received by the Council shall, within 10 working days of being received, be referred to a panel of three members of the Council (“the Panel”).
- 6.2 The members of the Panel shall be appointed by the Chair after consultation with the Vice Chair of the Council (“the Vice Chair”). Either the Chair or the Vice Chair (but not both) may act as a member of the Panel.
- 6.3 The Panel shall elect one of its number to act as the Chair of the Panel (“the Panel Chair”).
- 6.4 The Panel shall investigate the facts of the complaint and collate relevant evidence with such assistance from the Clerk as is thought appropriate.
- 6.5 The Panel may, if it thinks fit, convene a meeting/hearing with the complainant which shall be conducted in accordance with part 7 of this Complaints Procedure.
- 6.6 If no meeting/hearing is held, the Panel shall, within 15 working days of the complaint being referred to it, determine the outcome of the complaint and set out what actions the Council should take in relation to it.
- 6.7 Within 5 working days of the Panel making its determination the Panel Chair shall in writing (by email or letter) advise the complainant of the Panel’s determination.
- 6.8 The Panel Chair shall report the Panel’s findings and determination to the next available meeting of the Full Council.

7. Code of conduct for formal complaints: procedures at meetings/hearings

- 7.1 All meetings/hearings with a complainant who has made a formal complaint shall be conducted in accordance with this part 7.
- 7.2 The complainant shall be invited to attend a meeting/hearing and to bring with them such representatives as they wish.
- 7.3 Not less than 5 working days prior to the day of the meeting/hearing the complainant shall provide the Panel Chair with copies of any documentation or other evidence to which they intend to refer at the meeting/hearing.
- 7.4 Not less than 5 working days prior to the day of the meeting/hearing the Panel Chair shall provide the complainant with copies of any documentation or other evidence to which the Council intends to refer at the meeting/hearing.

7.5 At the meeting /hearing the following procedure shall be followed:

- i. The Panel shall consider whether the circumstances of the meeting/hearing warrant the exclusion of the press and public and shall resolve accordingly.
- ii. The Panel Chair shall introduce everyone present.
- iii. The Panel Chair shall explain the procedure to be followed at the meeting/hearing.
- iv. The complainant or their representative shall be invited to outline the grounds for complaint.
- v. The Panel may ask questions of the complainant.
- vi. If relevant, the Clerk may explain the Council's position.
- vii. The Panel may ask questions of the Clerk.
- viii. The Clerk and the complainant (in that order) shall be offered the opportunity of making any final representations.
- ix. The Clerk and the complainant shall be asked to leave the room while the Panel makes a determination on whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both the Clerk and the complainant shall be invited back into the room but shall then again leave while the Panel continues its deliberations.
- x. The Clerk and the complainant shall return to the room to hear the Panel's determination. The Panel may, if it thinks fit, reserve the making of its determination.

7.6 Within 7 working days of the end of the meeting/hearing the Panel Chair shall write (by email or letter) to the complainant either to confirm the determination of the Panel as promulgated at the meeting/hearing or to inform the complainant of the Panel's determination, as the case may be. In either case the Panel Chair shall set out what actions the Council should take in relation to the determination.

8. Code of conduct for formal complaints: keeping a complainant informed

8.1 If at any stage the Panel Chair considers that it is likely that any part of the timetable set out in this Complaints Procedure relating to formal complaints will not be met, that fact and the reasons for it shall be communicated by the Panel Chair to the complainant as soon as practicable. The Panel Chair shall set out the revised timetable for dealing with the complaint.

9. Code of conduct for formal and informal complaints: right to ask for a review

9.1 If a complainant who had made a formal complaint is dissatisfied with the Panel's determination on their formal complaint or with the way in which their complaint has been handled, they may request that the complaint be reviewed by the Full Council.

9.2 If a complainant who had made an informal complaint is dissatisfied with the outcome or with the way in which their complaint has been handled, they may request that the complaint be reviewed by the Full Council.

9.3 A request under paragraph 9.1 must be made in writing (by email or letter) to be received by the Clerk within 15 working days of the receipt by the complainant of the Panel's determination under paragraph 7.6.

9.4 A request under paragraph 9.2 must be made in writing (by email or letter) to be received by the Clerk within 15 working days of the receipt by the complainant of the communication from the Clerk or Chair under paragraph 3.5.

9.5 Following receipt of a request made under either paragraph 9.1 or 9.2 the Full Council shall, at its next meeting, review the decisions made and/or the way in which the complaint was handled.

9.6 Within 5 working days of the Full Council meeting the Clerk shall inform the complainant in writing (by email or letter) of the outcome of the Full Council's review under paragraph 9.5.

9.7 Without prejudice to any other rights that the complainant may have, the result of the Full Council's review shall be final.

10. Contact details

10.1 The Clerk, the Council and the Chair may be contacted as follows:

The Clerk and the Council	
Address	The Reading Room, Chailey Green, Chailey, East Sussex BN8 4DA
Telephone	01825 722388
Email	chaileypc@btconnect.com
The Chair	
Address	Cllr. Ken Jordan, 2, Roeheath, Cinder Hill, Chailey BN8 4HR
Telephone	01825 722757
Email	ken.jordan@roeheath.me.uk