**Batheaston Parish Council**
**COMPLAINTS PROCEDURE**

## 1. Introduction

The Batheaston Parish Council is committed to providing a quality service to residents of the Parish, and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner. The aim of this policy is to investigate all complaints promptly and in an impartial manner, and to find solutions satisfactory to both the complainant and the Council. The Council will do its utmost to settle complaints, and satisfy complainants, in the interest of the good reputation of the complainant.

This Policy will be available from the Council's website and other communications channels, in a way that makes it easily accessible to residents.

## 2. Complaints against Councillors

This procedure does not cover complaints against an individual Councillor. These must be referred to: Michael Hewitt, Head of Legal and Democratic Services and Monitoring Officer at Bath and North East Somerset Council. Email: Michael_Hewitt@bathnes.gov.uk.

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor and will not deal with complaints that are not covered by the Councillors' Code of Conduct. Complaints can only be about a Councillor's failure to follow this Code.

## 3. Definition of Complaint

A complaint is an expression of dissatisfaction by one or more members of the Public about a Council's action, or lack of action, or about a standard of service provided by the Council itself to a person or body acting on behalf of the Council. Excluded from this procedure are:

| Type of Conduct | Refer to |
|---|---|
| Financial irregularity | Complaints should be referred to the Council's Auditor: BDO LLP |
| Criminal activity | The Police |
| Member conduct | The Monitoring Officer |
| Employee conduct | Internal disciplinary procedure. Complaints concerning a member of staff should be made in writing to the Clerk. If the complaint concerns the Clerk, then the complaint should be made in writing to the Chair of the Council |

The Council may receive queries, problems and comments as part of its day-to-day operation and decision-making, and it is not appropriate for every comment to be treated as a 'formal complaint'. For a complaint to be formal, the complainant must state that it is formal. All other complaints will be treated as 'informal complaints'.

Whether raised formally or not, every effort will be made to deal with problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

For an expression of dissatisfaction to be a complaint, the complainant is required to identify a perceived error(s) the Council has made and its (their) impact on the complainant. The complaints procedure does not apply to complaints made anonymously.

## 4. Informal Complaints

Complaints may be made by telephone, email, in person or in writing to the Clerk. If the complaint refers to the Clerk, then the complainant is advised to write to the Chair of the Council. If a complaint is made to a Councillor, it is their duty to notify the Clerk or Council Chair.

The Clerk, or Council Chair, will speak directly to the complainant and attempt to resolve the complaint, and to ensure that the complainant feels satisfied that his/her grievance has been fully considered, taken seriously and acted upon accordingly.

If the Clerk or Council Chair cannot satisfy a complainant in an informal way, then the Formal Complainants Procedure will be instigated.

## 5. Formal Complaints

For transparency and accountability purposes, Formal Complaints are reviewed publicly at Council meetings, and the Clerk will respond formally to the complainant after this meeting. Formal Complaints about a policy decision made by the Council will be referred back to the Council – or relevant Committee as appropriate – for consideration.

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the clerk. If the complainant does not wish to approach the Clerk, s/he should be advised to address it to the Council Chair. The letter should contain the following information:-

- Name, address and telephone number of the complainant;
- Details of the complaint about the Council's procedures or administration;
- How the issue has affected the complainant;
- Copies of any relevant documents or other evidence;
- Details of third parties and their involvement;
- What action the complainant believes will resolve the complaint.

The Clerk will acknowledge receipt of the complaint within 3 working days and will advise the complainant when the matter will be considered by Council.

Any documents not already supplied must be sent to the clerk at least 14 days before the meeting. The Council will provide the complainant with copies of any documentation on which they wish to refer to at the meeting within the same timescale.

## 6. Prior to the Meeting

- The Clerk will distribute the Complaint with the papers for the Council meeting.
- The Chair and Clerk shall confer to determine what supplementary information – if any – is required to allow Council to consider the complaint properly.
- The Chair will determine if the Clerk is unable to undertake the preparation of this report, based on his/her impartiality. If not, the Chair will nominate an alternative, another Officer of the Council, a Councillor or an external person.

- The Clerk, or alternative, will collate relevant facts and information to assist Council in considering the complaint. This should include only directly relevant facts and avoid opinion and judgment.
- Complaints will normally be taken as the first substantive item of business at the meeting.

**7. At the Meeting**

The complainant has the right to attend the meeting and to present the complaint following the rules that apply to Public Participation at the meeting.

At the meeting, the Clerk will instruct Councillors on the policy and/or procedural facts to consider and Councillors will provide their view on the validity of the complaint with regard to these facts and any such measures and actions as they see required to rectify any issue and prevent it from re-occurring in the future.

In all cases, Council will seek to identify underlying issues and lessons to be learned.

**8. After the Meeting**

The Clerk will draft the response to the complainant and confirm it with the Chair.

The Clerk will communicate the decision, reasons and details of any action to be taken to the Complainant in writing within 7 working days, copying all Councillors. This decision will made available publicly and will be final.

There may be circumstances when a complainant persists in wishing to proceed when there is clearly no reasonable basis, or when the Council 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. These matters should be referred to the Clerk/Chair, and in the event of a seemingly serial facetious, vexatious or malicious complaint, the Council may consider taking legal action.

Last reviewed and agreed by Council: 18th June 2024
Next review date: May 2025