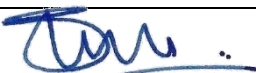




## Griston Parish Council

### POLICY 007 - COMPLAINTS

Revision	Date	Author	Approval
0 – Draft for Comment	12 December 2024	S Barber	n/a
Issue 1	7 Jan 2025		Council meeting 9 Jan 2025

*This policy is to be reviewed and reissued by the end of March in each calendar year.*

#### CONTENTS

1. Introduction
2. Informal Complaints
3. Formal Complaints
4. Review Panel
5. Timings
6. Parish Council Staff
7. Complaints Against Councillors
8. Arbitration
9. Anonymity
10. Whistleblowing

#### 1. Introduction

The Parish Council provides services to the Griston community.

We strive to get our service delivery right every time, but there are occasions when users of our services maybe dissatisfied with our performance, for any number of reasons.

This policy sets out how to raise a complaint with the Parish Council, be it against the council itself, an employee or a councillor; each has differing mechanisms for addressing and resolving complaints. This policy also includes guidance on whistleblowing in the interests of public disclosure.

#### 2. Informal Complaints

It is hoped that most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, email or a visit to a Parish Councillor. The Clerk will be kept informed of the handling of the complaint and its resolution.

A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints. It is expected that most complaints can be resolved through this informal route.



However, the Council appreciates that on occasions when an informal approach cannot resolve the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

### 3. Formal Complaints

The Clerk to the Council is responsible for managing the formal complaints process, being the 'proper' officer.

If a formal complaint is being raised against the Clerk, then the process as detailed should be followed, but the Chair of the Council should be informed instead of the Clerk.

A formal complaint can only be submitted in writing to the Council, it should be addressed to the Clerk (or Chair, see above), marked "**Confidential – Formal Complaint**". This will ensure the matter is handled correctly.

The Council encourages contact by email and telephone, but as a formal complaint is a serious matter it will only accept these in writing. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

The Clerk will acknowledge receipt of the complaint **within three working days**. The Clerk will carry out an initial investigation into the complaint and will, **within ten working days**, provide the complainant with an update on progress, or a suggested resolution.

If the complainant is satisfied with the resolution the complaint is closed. The Clerk will report to the Council, through the Clerk's report, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainant. If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the Council's Review Panel.

### 4. Review Panel

#### 4a. The Review Panel

This is a properly formed committee of the Parish Council. The panel will be constituted of a minimum of that three members who may be required at short notice to review a complaint.

The Review Panel has delegated authority from the Parish Council to review and decide on complaints. Three members will review a complaint; this will ensure the panel is quorate. The panel is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when a Review Panel meeting is called. It is expected that the Review Panel will be able to meet within seven working days of being notified by the Clerk.



## Griston Parish Council

### POLICY 007 - COMPLAINTS

Should councillor numbers be so low as to preclude three uninvolved members, the council may request a councillor from a neighbouring parish to join the Committee.

#### 4b. Prior to the Meeting

Seven clear working days before the Review Panel meeting the complainant will provide the Parish Council with copies of all documentation and/or other evidence that they intend to introduce to the Review Panel meeting. The Parish Council will provide the same to the complainant.

#### 4c. At the Meeting

- i. The Review Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public, matters that involve individual identified members of staff may require the exclusion of the press and public.
- ii. The Chairman of the Review Panel shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
  - a) The complainant (or representative) shall be invited to outline the grounds for complaint and panel members given the opportunity to ask any question of the complainant.
  - b) If relevant, the Clerk (or substitute) will explain the complaint, the Council's position and panel members shall ask any questions.
  - c) The complainant will be offered the opportunity of a last word as a means of summing up their position.
  - d) The Clerk will be offered the opportunity to summarise the facts of the hearing.
- iii. The Clerk and complainant shall be asked to leave the room while panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

#### 4d. After The Meeting.

The announcement of any decision will be made in public, at the next scheduled Council meeting and recorded in the minutes.



## Griston Parish Council

### POLICY 007 - COMPLAINTS

#### 5. Timings

The Parish Council will try to adhere to the timings outlined in this policy (see 3&4. above), but in the case of a complex complaint, or the absence of a member of staff who is involved in the complaint, may mean that the timings have to vary. Should this occur then the complainant will be kept advised of the revised timescales.

#### 6. Parish Council Staff

A formal complaint is a serious matter. A complaint involving 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.

#### 7. Complaints Against Councillors

Complaints against individual Councillors are handled differently, and are generally governed by the Parish Council's Code of Conduct. These are addressed under items 7-10.

A complaint about a Parish Councillor (from the public, a member of staff or another Councillor) should be addressed to:

The Monitoring Officer  
Breckland District Council  
Elizabeth House  
Walpole Loke  
Dereham  
NR19 1EE.

Online complaints should be directed via

<https://www.breckland.gov.uk/democracy/councillor-complaint>

using the Standards Complaint Form at

[https://www.breckland.gov.uk/media/2140/Standards-Complaint-Form/doc/ComplaintForm\\_-\\_060417.docx?m=1491480941817](https://www.breckland.gov.uk/media/2140/Standards-Complaint-Form/doc/ComplaintForm_-_060417.docx?m=1491480941817)

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters that are not covered by the Council's Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct. Further information is available from the Breckland District Council website.

Resolution proposals by the Monitoring Officer are generally limited to:



- Recommendations to apologise
- Education and training
- Arbitration

Monitoring Officers do not have further powers to enforce resolution.

Should either party refuse to accept the decision of the Monitoring Officer, the final recourse is arbitration.

## **8. Arbitration**

Arbitration is when a third party makes a decision on a dispute to resolve it. Arbitration is delivered by a neutral person (an 'Arbitrator'). The arbitrator is impartial, meaning they do not take sides.

The Arbitrator considers the arguments from both sides of the dispute at a meeting ('hearing'). They then make a decision based on the evidence presented.

In Parish Council complaints, both parties would need to agree in advance that the Arbitrator's decision will be final and binding.

The Council's choice of arbitrator is ACAS.

## **9. Anonymity**

The Council will not usually acknowledge or consider complaints that are submitted anonymously unless there is a clear public interest in doing so.

## **10. Whistleblowing**

Whistleblowing complaints are covered by the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act (1998)).

The Council recognises that complainants may not wish to openly express their concerns for a number of reasons, either thinking it is disloyal to do so, fear reprisals, not expect any action to be taken, or they may not know the best way to proceed.

They may therefore find it easier to ignore their own concerns, or to "blow the whistle" to someone outside the Council.

Such complaints cover

- Conduct amounting to an offence or breach of the law
- Fraud and corruption



### POLICY 007 - COMPLAINTS

- Breaches of Standing Orders and/or Financial Regulations
- Breaches of Codes of Conduct
- Damage to the environment
- Health and Safety Risks
- Discrimination of any kind
- The concealment of evidence relating to any of the above.

Concerns that are expressed anonymously are less powerful and are less likely to be effective. They will be considered at the discretion of the Council and in exercising this discretion the following factors will be taken into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

If you are a member of a professional organisation or union you can ask them for help, advice and support.

The PIDA makes special provision for disclosures to prescribed bodies. The bodies listed that are most likely to be of relevance are:

- The Health and Safety Executive (re Health and Safety risks)
- Environment Agency (re environmental issues)
- HMRC (re financial irregularities)
- External Auditor (re public sector finance)
- Monitoring Officer (re Councillors' conduct)
- Information Commission (re breaches of the Data Protection Act).

The Council undertakes that:

Your concerns are treated seriously and sensitively

- If you ask for anonymity every effort will be made to meet that request
- The investigation will be carried out within the usual bounds of confidentiality. This means that others may have to be informed but you will be told who those people are. As the procedure covers such a wide range of matters it is not possible to lay down timescales but you will be told of overall timescales and advised of progress.
- It will take seriously and act upon the harassment of any member of staff raising concerns.