

# LITTLE GADDESSEN PARISH COUNCIL

## COMPLAINTS PROCEDURE

12<sup>th</sup> January 2021 (for review December 2022)



*'A complaint is an expression of dissatisfaction ....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 or a person or body acting on behalf of the Council.'*

Little Gaddesden 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. 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 Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

### 1. IS THE COMPLAINT ABOUT BREACH OF THE PARISH COUNCIL'S CODE OF CONDUCT?

Any complaint that a Councillor may have breached the Parish Council's adopted Code of Conduct can be referred to the Clerk of the Parish Council. If the Clerk considers it to be a Code of Conduct complaint, then the Clerk will forward the complaint to Dacorum Borough Council to manage.

A complainant may wish to go direct to the Borough Council (refer to the Borough web site for information) and should send the complaint to:-

Mark Brookes, Assistant Director Corporate and Contracted Services

Dacorum Borough Council

The Forum, Marlowes

Hemel Hempstead

HP1 1DN

Telephone: 01442 228236

Email: [mark.brookes@dacorum.gov.uk](mailto:mark.brookes@dacorum.gov.uk)

Under Section 28(6) and (7) of the Localism Act 2011, the Borough Council must have in place "arrangements" under which allegations that a member or co-opted member of a Parish Council within the Council's area, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. Note that the Borough Council will look at the complaint and make reference to the following guidance:-



#### Complaints which would **not** normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation
2. The complaint appears to be simply motivated by malice or is "tit-for-tat"
3. The complaint appears to be politically motivated
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Parish Council decision
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral for investigation
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out
9. The same, or similar complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Borough Council's Standards Committee
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

#### Complaints which may be referred for investigation

1. It is serious enough, if proven, to justify the range of actions available to the Borough Council's Standards Committee; or
2. There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Parish Council and there is no other avenue left to deal with it other than by way of an investigation

#### Complaints which may be referred to the Standards Committee for a decision on whether it should be investigated

1. The complaint is about a high profile Member, such as the Leader of the Council, and it would be difficult for the Monitoring Officer to make a decision as to whether or not it should be investigated.
2. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to make a decision as to whether or not it should be investigated.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor. The complaint must be serious enough to justify the public expense and Borough Council's resources in investigating it.



## **2. IS THE COMPLAINT ABOUT A POLICY OF, OR DECISION MADE BY, LITTLE GADDESSEN PARISH COUNCIL?**

2.1. Any complaints received by the Borough Council about a policy of, or decision made by, the Parish Council will be referred back to the Parish Council, or the relevant Committee of the Parish Council, as appropriate, for consideration. This is because the Borough Council will only deal with Code of Conduct issues.

2.2. Your complaint should be made in accordance with paragraph 3 below. The Parish Council's policy for dealing with complaints is set out at paragraph 4 below.

## **3. PROCEDURE FOR MAKING A COMPLAINT ABOUT A POLICY OF, OR DECISION MADE BY, LITTLE GADDESSEN PARISH COUNCIL**

3.1. Please make your complaint in writing (letter or e-mail) addressed to the Clerk to the Parish Council at 1 Pond Lane, Little Gaddesden, HP4 1UB or [parishclerk@littlegaddesden-parishcouncil.org.uk](mailto:parishclerk@littlegaddesden-parishcouncil.org.uk). Please make it clear in your correspondence exactly what the complaint is about and please give your full contact details so that the Parish Council can contact you. Please note that the Parish Council may wish to seek clarification from you to further understand your complaint.

3.2. If your complaint is about the Clerk, please make your complaint in writing (letter or e-mail) to the Chairman of the Parish Council.

3.3 Your complaint will be dealt with as set out in paragraph 4 below.

3.4 To ensure compliance with its obligations under the Data Protection legislation the Parish Council will not disclose the identity, contact details or other personal data about an individual complainant unless he/she consents or disclosure is otherwise fair and lawful e.g. for the purpose of discharging the Council's functions, or for the performance of contractual obligations. The Parish Council will ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to an individual complainant or a third party.

## **4. THE PARISH COUNCIL'S PROCEDURE FOR DEALING WITH A COMPLAINT**

4.1. If a complaint is notified orally to a Councillor, or to the Clerk to the Council, initially a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

4.2. If he or she has not already done so, the complainant will be asked to put the complaint in writing (letter or e-mail) addressed to the Clerk to the Council at 1 Pond Lane, Little Gaddesden, HP4 1UB or [parishclerk@littlegaddesden-parishcouncil.org.uk](mailto:parishclerk@littlegaddesden-parishcouncil.org.uk). or the Chairman of the Parish Council.

4.3. The Council will acknowledge receipt of the complaint within 7 days of receipt and aim to respond as fully as possible to the complaint within 30 days of receipt.

4.4. On receipt of a written complaint,

(a) the Clerk (except where the complaint is about the Clerk, in which case the Chairman) will inform the Councillor, Clerk or other employee about whom the complaint is made or the Council as a whole if the complaint is about the Council;

(b) the Councillor, Clerk, employee or Council will be given an opportunity to comment upon/ respond to the Clerk (or Chairman) about the complaint. A written note of that response or comment will be made and retained; and

(c) the Clerk (except where the complaint is about the Clerk, in which case the Chairman) will act to settle the complaint directly with the complainant. A written record of that resolution will be made and retained.



4.5. The Clerk or Chairman will report any complaint resolved by direct action with the complainant to the next meeting of the Council and the complaint, the fact that it was resolved and details of the resolution as discussed at the meeting will be recorded in the minutes of the meeting insofar as the Data Protection legislation allows.

4.6. If the Clerk (except where the complaint is about the Clerk, in which case the Chairman) is unable to settle the complaint directly with the complainant, the Clerk or Chairman will report the complaint and the fact that it has not been resolved, to the next meeting of the Council. The Clerk will notify the complainant of the date of the meeting at which the complaint will be considered and the complainant will be offered an opportunity to speak at the meeting to explain the complaint to the Council.

4.7. The Council will listen to the complaint and respond to it, in so far as it is able, either at the meeting or at a later date (such later date being no later than 30 days of the date of the meeting). Whether the Council responds at the meeting or later, the Council will write to the complainant to notify him or her in writing of the Council's decision and of any action to be taken. The Council's final decision and any action to be taken will be discussed at the next Council meeting and will be recorded in the minutes of that meeting insofar as the Data Protection legislation allows.

4.8. If the Chairman or Council consider that the circumstances of any complaint justify the matter being discussed in the absence of the press and public, the public and press may be excluded from the meeting during the Council's deliberation of the complaint. However, the Council's decision in respect of the complaint will be reported at the Council meeting when the public and press are present and will be recorded in the minutes insofar as the Data Protection legislation allows.


4.9. Without admitting liability and only after obtaining legal advice and advice from the Council's internal auditor and insurer on the propriety of such a payment, the Council may resolve in respect of a particular complaint to make payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration.

4.10 The Council will contact its Insurers if it feels that a claim will be forthcoming as a result of a complaint.

4.11. The Council may defer dealing with any complaint if it is of the opinion that issues arise in respect of which further advice is necessary. The Council must then consider that advice and deal with the complaint at the next meeting after the advice has been received.

4.12 Once the Parish Council has made its decision there is no right to appeal against the decision. It is of course always open to a complainant to seek redress in the courts if the Parish Council has acted illegally or outside its powers.

4.13. Matters that would properly be the subject of the Parish Council's Employment grievance and disciplinary procedures will be dealt with in accordance with the Council's procedures in this regard.

Signed by the Chair of LGPC..........Date 27/1/21.....