

HYDE PARISH COUNCIL
COMPLAINTS PROCEDURE

The Complaints Procedure applies to all complaints to the Council.

1. Why Complain? Will it make a difference?

The Council are always looking for ways to improve the quality of their services and comments help them to do this. They also want to know when something has gone wrong so that they can put it right.

2. Privacy Policy

All information will be kept confidential, particularly names and addresses which could identify a complainant, site or complaint. All complaints will be recorded and include:-

- Full name and address
- Details of the complaint including relevant dates
- Action taken

3. Aim

The aim is to swiftly investigate all complaints with impartiality, and, if at fault, to find a solution whenever possible to both the satisfaction of both complainant and the Council.

4. Definition of Complaints

A complaint is:-

“An expression of dissatisfaction with any function undertaken by the Hyde Parish Council or employees”

A complaint is where:-

- The Council has not done something it has a duty to do or normally does
- The Council has done something it has no right to do or does not normally do as a matter of established practice
- The conduct or behaviour of a member of staff is unsatisfactory
- A person does not understand or is not informed of why or how a situation arose or exists
- An adopted and known procedure is not followed
- Maladministration is alleged.

5. What to do if you have a complaint about Hyde Parish Council

Policy decisions - Complaints about a policy decision made by the Council will be referred back to the Council for consideration. The complainant will be notified of the decision, in writing, within 10 working days following the date of the Committee.

Councillor Conduct - Complaints about the conduct of a Member of the Parish Council, see paragraph 6.

Procedures, administration or the actions of any of the Council's employees

- If you have a complaint you should contact the Parish Clerk as soon as possible. This can be done by telephone or email, in person, or by a friend or relative, but ideally complaints should be made in writing giving names and addresses and relevant dates, with as much information as possible
- If a complaint is notified orally to a Councillor, or to the Parish Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
- The complainant will be asked to put the complaint in writing, either in a letter or e-mail, to the Parish Clerk at the address given at the end of this document. The complaint will be dealt with within 14 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
- If the complainant prefers not to put the complaint to the Parish Clerk (because the matter relates to the Clerk, for example) he or she should write or speak directly to the Chair.
- On receipt of a written or oral complaint, the Parish Clerk (except where the complainant is about his or her own actions) or Chair of the Council (if the complaint relates to the Parish Clerk), will seek to settle the complaint directly with the complainant by interview or in writing. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
- Where the Parish Clerk or a Councillor receives a written or oral complaint about the Parish Clerk's actions, he or she shall refer the complaint to the Chair of the Council who will seek to settle the complaint directly with the complainant by interview or in writing. The Parish Clerk will be formally advised of the matter and given an opportunity to comment.
- The Parish Clerk (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
- The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
- Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, will be dealt with in accordance with the Council's grievance and disciplinary procedures.
- The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
- The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice, advice from the Council's insurers (if appropriate) and auditor on the propriety of such a payment.
- Within 10 working days after the meeting the complainant will be notified in writing of the decision and any action to be taken.

- The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received. The Complainant will be notified of the delay in dealing with the complaint and the reasons why, in writing.

6. What if I have a complaint about the behaviour of a particular Councillor (or Councillors)?

By law, all Members and co-opted Members are required to follow a Code of Conduct when acting in their capacity as a Member. A Code of Conduct has been adopted by the Parish Council which can be found on our website or upon request to the Parish Clerk. The Code allows the Parish Council to fulfil its obligations under section 27(2) of the Localism Act 2011 and is consistent with the following principles of public life as set out in the Act:

SELFLESSNESS - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

INTEGRITY - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS – Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP - Holders of public office should promote and support these principles by leadership and example.

New Forest District Council are the authority which deals with complaints against Councillors and has adopted procedures for dealing with those complaints. If a member of the public feels a councillor has broken any of the rules of the Code of Conduct they can complain to the Monitoring Officer at New Forest District Council who will investigate the allegation that councillors' behaviour may have fallen short of the required standards.

The Monitoring Officer can be contacted at New Forest District Council, Appletree Court, Lyndhurst, SO43 7PA, Tel 02380 285000.

7. What type of behaviour is covered by the Code of Conduct?

Broadly, the Code requires Councillors:-

- Not to discriminate unlawfully;
- To treat others with respect;
- Not to do anything to compromise the impartiality of Council employees;
- Not to disclose confidential information;

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- Not to stop anyone gaining access to information they are entitled to;
- Not to conduct themselves so as to bring their office, or the Council in disrepute;
- Not to use their position to improperly secure an advantage, or a disadvantage, for anyone;
- Not to use the Council's resources for unauthorised political purposes;
- If they have a personal interest in a matter that comes before the Council, to declare the fact and, if appropriate, not take part in the decision making process
- To register financial and other interests (a copy of the register is available for public inspection).

The Parish Clerk is always pleased to help with a specific complaint or just with general guidance.

The contact address is:

*The Wrens Nest,
Hyde,
Fordingbridge,
Hampshire SP6 2QE*

Telephone – 01425 650789

Email- parish.clerk@hyde-pc.gov.uk

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