

# HASLINGFIELD PARISH COUNCIL

## COMPLAINTS PROCEDURE

### Introduction

Haslingfield Parish Council is committed to providing a quality service to our residents. Our preference is to deal with any complaints amicably and orally, directly with you. If you have a complaint please contact our Clerk or, if the matter concerns our Clerk, our Chairman. The Clerk (or Chairman) will try to resolve the matter directly with you in a timely manner (wherever possible within 20 working days). However, should it not be possible to resolve your complaint informally then we will follow the complaints procedures shown below.

### Before Processing the Complaint

1. All formal complaints against the Council must comply with the following:
  - Be made in writing and/or by email,
  - Include the complainant's postal address,
  - Be addressed to the Clerk to the Council or, if the complaint concerns the Clerk, then it must be made to the Chairman,
  - Contain the details of the complaints including relevant event(s), date(s) and name(s) if appropriate
  - Confirm whether or not the complainant wishes their complaint to be treated in confidence.

### Upon Receipt of Complaint

2. Once a complaint has been received, the Clerk or Chairman will:
  - Acknowledge receipt in writing or by email within 7 calendar days,
  - Confirm whether the complaint will be treated as confidential (see para 1),
  - Confirm the next steps in the investigation of the complaint.

### Investigating the Complaint

3. The Council will need time to investigate the facts of the complaint and collate relevant evidence.
4. The investigation process will take no longer than 12 weeks from receipt to resolution, unless the nature of the complaint (e.g. lengthiness, complexity) requires longer, in which case that will be stated at the start of, or confirmed during, the investigation.
5. Upon receipt, the Council will decide who will deal with the complaint (e.g. a particular councillor or working group).

6. If the complainant waives confidentiality, the Council must comply with its obligations under the Data Protection Act 1998, and all subsequent related legislation, to safeguard against the unlawful disclosure of personal data.
7. If the complainant does not waive their confidentiality, the complaint will be treated in confidence and the identity of the complainant only divulged to those responsible for the investigation of the complaint. Any meeting of a working group charged with investigating the complaint will exclude public. This would not preclude the working group from inviting the complainant to make verbal representations or requesting the attendance of the Clerk or nominated councillor to represent the position of the Council.
8. If deemed necessary upon the receipt of a complaint, the Council reserves the right to:
  - Inform its insurers of the nature of the complaint,
  - Seek professional legal advice if appropriate (e.g. if the complainant threatens to take legal action against the Council or legal proceedings have already begun).

#### **Meetings with the complainant (if applicable)**

9. If deemed appropriate, and noting verbal representation will lengthen the period for dealing with the complaint, the complainant may be invited to make verbal representations (and be accompanied by a person of their choosing if required) to those or the body tasked with the investigation of the complaint.
10. Any such invitation will be made in writing with due notice of 10 working days and include an explanation of how the meeting will proceed. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by those or the body tasked with the investigation of the complaint. A nominated councillor (who is not named in the complaint) may also explain the Council's position and questions may be asked of them by the complainant. Both parties should be offered the opportunity to summarise their respective positions.
11. The complainant will be required to provide the individuals or body tasked with the investigation of the complaint with any new information or evidence relevant to the complaint no later than 5 working days before the appointed meeting. This requirement also applies to the Council in respect of the complainant.
12. The complainant should be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

#### **After the complaint has been investigated**

13. Within the timeframe specified, the Council will write to the complainant to confirm whether or not it has upheld the complaint. In either case, the Council will give reasons for its decision together with details of any action to be taken by the Council if this is appropriate.

14. If the Council upholds a complaint, it will give the complainant a written explanation of the matters surrounding the complaint. It may also decide to do one or more of the following:

- apologise to the complainant,
- explain what steps it intends to take to reduce the risk of the matters complained of being repeated,
- offer a remedy which, as far as possible, puts the complainant back in the position they would have been in but for the matters complained of,
- in the event of financial loss, offer financial compensation confirming it is in full and final settlement of the dispute and any claims for which the complainant has against the council and without admission of legal liability,
- as an alternative, make an offer of goodwill or some other gesture.

15. If the Council does not uphold a complaint, the Council will inform the complainant in writing, including the right for the complainant to appeal its decision.

### **Appeal Process**

16. The complainant has the right to appeal such a decision within 30 calendar days of the date of Council's written decision

17. Should the complainant wish to appeal the decision, any staff or members previously involved in the original decision will not participate in the determination of the appeal.

### **Complaints about individual councillor or employee conduct**

Written complaints from members of the public in relation to the conduct of an individual employee or member of the Parish Council should be addressed to the Clerk or (if it relates to the Clerk) the Chairman. The complaint will be dealt with by referral to the following procedures/bodies:

18. Member Conduct - If the complaint relates to a failure to comply with the Code of Conduct, the complaint should be referred to the Monitoring Officer at South Cambridgeshire District Council.

19. Financial Irregularity - Local electors have a statutory right to object to the Parish Council's audit of accounts under s.16 Audit Commission Act 1998. On other financial matters the Parish Council may need to contact their auditor or the Audit Commission. The Parish Council's auditors are currently: PKF Littlejohn LLP, 15 Westferry Circus, Canary Wharf, London E14 4HD.

20. Criminal Activity - The police.

21. Employee Conduct - The Chairman or the Parish Council (depending on the severity of the complaint).

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