

**THWING & OCTON PARISH COUNCIL  
CODE OF PRACTICE IN HANDLING COMPLAINTS**

This policy sets out procedures for dealing with complaints that anyone may have about Thwing & Octon Parish Council's administration and procedures. Complaints against policy decisions made by the Council shall be referred back to the Council (note the Council's Standing Orders which say that issues shall not be re-opened for six months).

Thwing & Octon Parish Council will not consider any anonymous communication.

In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant.

**Before the Meeting**

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Chairman of the Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. (a) Upon receipt of a written complaint the Clerk or Chairman, as appropriate, shall (except where the complaint is about the Clerk), try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor. Complaints about the Clerk will be dealt with under the Council's employment policies and procedures. Where a member of the public wishes to complain about an individual Councillor, they shall be referred to the local Standards Committee  
  
(b) Where the Chairman receives a written complaint about his or her own actions, he or she shall refer the complainant to the local Standards Committee. Where the Clerk receives complaint about his or her behaviour he or she shall refer it to the Chairman or appropriate committee.
5. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
6. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which

the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.

7. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting**

8. The Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the public and press but any decision on a complaint shall be announced at the council meeting in public.
9. The Chairman should introduce everyone and explain the procedure.
10. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii), members.
11. The Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.
12. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
13. The Clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
14. The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them. The Council shall defer dealing with any written complaint **only** if it is of the opinion that issues of law or practice arise on which advice is necessary from the Association. This complaint shall be dealt with at the next meeting after the advice has been received.

### **After the Meeting**

15. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

**Data Protection and GDPR** To ensure its compliance within the Data Protection Act 1988 the Council cannot disclose the identity, contact details or other personal data about an individual complainant without written consent or disclosure is otherwise fair and lawful under the 1988 Act