

## **BISHOPSTOKE PARISH COUNCIL**

### **COMPLAINTS POLICY**

**This Complaints Policy was last adopted  
by the Parish Council at its meeting on 12<sup>th</sup> November 2024**

**D Wheal  
Clerk to Bishopstoke Parish Council**

**BISHOPSTOKE PARISH COUNCIL**

**COMPLAINTS POLICY**

**Amendment Sheet**

<b>Amendment No.</b>	<b>Date Incorporated</b>	<b>Subject</b>
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## **COMPLAINTS POLICY**

### **1 General**

- 1.1** The Complaints Policy, Discipline Policy and Grievance Policy work alongside each other to ensure that all issues relating to the business and operations of Bishopstoke Parish Council can be dealt with in a fair and consistent way.
- 1.2** For complaints against Council or Officer decisions, or for complaints related to the policies, procedures or general business of the Council, the Complaints Policy will be used.
- 1.3** For allegations of misconduct or sub-standard performance by officers and other employees of the Council, the Discipline Policy will be used.
- 1.4** Where an employee of the Council has a work-related grievance regarding a Councillor or Councillors, or other member of staff, the Grievance Policy will be used.
- 1.5** Anyone wishing to complain about the conduct of a Bishopstoke Parish Councillor should contact the Clerk in the first instance, and will usually be advised to provide details of the complaint to the Eastleigh Borough Council monitoring officer.
- 1.6** In all cases there will first be an attempt to resolve the complaint informally. Where this fails to achieve a satisfactory resolution the relevant policy or procedure will then be followed.
- 1.7** Where a panel is necessary as part of a policy or procedure it will consist of three councillors, including the Chair of Bishopstoke Parish Council, and will be led by the Chair. When an appeals panel is required it will also consist of three councillors and will be led by the Vice Chair. No councillor will sit on both panels. The conclusions of any panels will be reported to the next Full Council meeting.
- 1.8** All parties will be treated fairly and the process will be reasonable, accessible and transparent.

### **2 Policy**

- 2.1** The Council aims to ensure that any complaints are dealt with promptly and fairly. This procedure sets out the steps taken to assess the complaint and, if necessary, change the original decision or policy that caused the complaint.
- 2.2** This procedure can only be used for complaints about the decisions, policies and general business of the Council and Officers. Complaints about the behaviour of Councillors or Officers will be dealt with using the Discipline Policy, Grievance Policy or via the Borough Council Monitoring Officer.
- 2.3** Any panels mentioned in this procedure will be appointed at the time they are needed.

### **3 Related policies and procedures**

- 3.1** This policy is to be read in conjunction with the Council's grievance policy, code of conduct, discipline policy and standing orders.

### **4 Procedure**

- 4.1** The Clerk and / or Chair will attempt to resolve the complaint informally.
- 4.2** The complainant shall be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
- 4.3** If the complainant does not wish to put the complaint to the Clerk, they shall be advised to put it to the Chair.
- 4.4** The Clerk / Chair shall acknowledge the receipt of the complaint in writing, including a copy of the Complaints Procedure.
- 4.5** The complainant shall be advised that the matter will be considered by a panel of three councillors led by the Chair. Once the panel has been selected a date will be agreed for the complaint to be heard not sooner than three weeks' time. This is to allow time for both parties to collect evidence or other documentation they deem relevant.
- 4.6** The complainant shall be invited to attend the relevant meeting and bring up to three representatives if they wish.
- 4.7** At least five clear working days before the meeting, the complainant shall provide the panel with copies of any documentation or other evidence which they wish to be considered at the meeting. The panel shall similarly provide the complainant with copies of any non-confidential documentation, or confidential documentation which has been deemed disclosable, upon which it wishes to rely at the meeting.

### **5 Complaint investigation**

- 5.1** The Clerk, or Chair (if the complaint is regarding the Clerk's work), will make an initial assessment of the complaint. This may include communication with the complainant and with the person being complained about.
- 5.2** Any policies, procedures or other Council documentation relied upon for the original decision or used in the assessment of the complaint will be provided to both the complaint panel and the complainant. Where a document is considered confidential an assessment will be made as to what, if anything, can be included.
- 5.3** A date will be set for the hearing and the complaint will be invited to attend.

## **6 The complaint hearing**

- 6.1** The initial hearing will be held in private. However, any decision on a complaint shall be announced at the next Full Council meeting.
- 6.2** The Chair shall introduce everyone and explain the procedure.
- 6.3** If attending, the complainant or their representative(s) shall be asked to outline the grounds for the complaint. If no one is attending on behalf of the complainant, the Clerk or other officer of the Council will outline the complaint on their behalf.
- 6.4** The panel members may ask any questions of the complainant or their representative(s).
- 6.5** The Clerk or other officer(s) shall explain the position of the Council.
- 6.6** The panel members may ask any questions of the Clerk or other officer(s).
- 6.7** Both parties shall be offered the opportunity of making a final statement, beginning with the Clerk or other officer and ending with the complainant or their representative.
- 6.8** All those not on the panel shall be asked to leave the room while the panel decides whether or not the grounds for the complaint have been justified. Both parties shall be invited back if a point of clarification is necessary.
- 6.9** All parties shall return to hear the decision or to be advised when a decision will be made if it is to be deferred. The panel will advise the complainant of the reason for any deferral and will offer the complainant the choice whether to receive the decision in person or in writing.

## **7 Appeals**

- 7.1** If a decision was made at the hearing it will be confirmed in writing to the complainant within five working days of the hearing, along with details of any action to be taken.
- 7.2** If a decision was deferred then the panel will take whatever action they agreed was necessary in order to allow them to come to a decision by the agreed date. Only in exceptional circumstances should a decision be deferred more than once.
- 7.3** If the complainant asked to hear the decision in person then another meeting will be arranged at which the decision can be announced. Otherwise the complainant will be informed of the decision in writing on the agreed date.
- 7.4** If the complainant is not satisfied then they will have five working days from the date of the decision to request the complaint be received by an appeals panel. This should be done in writing and include the grounds the appeal is based upon. Following such a request the Clerk will make arrangements for all panel members to be provided with the statements and documents from both parties and a hearing date will be arranged
- 7.5** The appeals hearing will be normally held within ten working days of receipt of the letter. The decision of the Appeals Panel shall be final with no further appeals permitted.

## **8 Appeals hearing**

- 8.1** At the appeals hearing, the person making the complaint will be given opportunity to state the ground(s) on which the appeal is made. The Complaints Panel who took the original decision will then have the opportunity to explain their decision to impose the given penalty. The members of the Appeals Panel conducting the appeal may exercise discretion as to whether or not the two parties will be present together during the proceedings. The hearing will be adjourned when all the evidence has been heard. The members of the Appeals Panel conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.
- 8.2** The members of the Appeals Panel will, whenever possible, verbally inform the complainant of the decision reached and confirm this in writing no later than five working days after the hearing.
- 8.3** The members of the Appeals Panel have the authority to reverse the original decision, amend it, or leave it unchanged, as they consider appropriate.
- 8.4** An appeal hearing is intended to focus on specific factors that the complainant feels have received insufficient consideration, or have been considered incorrectly. It is not intended to be a rerun of the original Complaints hearing.

## **9 Abuse of this policy**

- 9.1** Any abuse in the application of this policy, e.g. if a complaint about an employee is found to be malicious or in bad faith that employee will have the right to raise a grievance in accordance with the Council's Grievance Policy, or other appropriate way, and this may possibly result in disciplinary action being taken against the original complainant.

## **10 Alterations and amendments to this policy**

- 10.1** This policy does not form part of an employee's contract of employment. The Council reserves the right to amend or withdraw this Policy at its absolute discretion, in accordance with the needs of the council.

## **11 Additional information**

- 11.1** For further information, please contact the Clerk.