

Code of practice for handling complaints

Introduction

This code deals with complaints against Council procedures or alleged maladministration which it has not proved possible to resolve to the complainants satisfaction informally.

Complaints about the conduct of individual councillors or the conduct of an employee should, for councillors, be dealt with under the code of conduct provisions and, for employees, under the Council's disciplinary procedures for staff. The complainant should be advised as appropriate.

Formal complaints against the Council will be dealt with as follows:-

1 Receipt of formal complaint and initial attempt to resolve

1.1 A formal complaint must be made in writing by or on behalf of the complainant. *(PM note –while an informal complaint can be made verbally I don't believe that a formal complain (that is an informal one which has not been resolved) can be dealt with unless it is made in writing. Where necessary a complainant who is not able to do this can be directed to CAB or some other similar independent body who can do this on their behalf).*

It should be directed to the Council at the Council's official postal address.

1.2 On receipt the Clerk, or deputy in the absence of the Clerk, will supply a copy to the Chairman, or Vice Chairman in the absence of the Chairman.

1.3 Within 5 days of receipt the Clerk will acknowledge receipt to the complainant.

1.4 Primarily it will be responsibility of the chairman/ vice chairman to seek to settle the complaint directly with the complainant. This will involve consultation with the Clerk and any member or officer referred to in the letter of complaint.

1.5 If the complaint is settled directly the Chairman will report the complaint and the outcome to the next full meeting of the Council.

2. Failure of initial attempt to resolve a formal complaint

2.1 If the complaint is not settled in accordance with 1 above the Chairman will report the matter to the next meeting of the Finance & General Purposes Committee (F&GPC). Unless the F&GPC directs that further attempts are made to resolve the complaint in accordance with 1 above, the F&GPC is to make arrangements to convene a special meeting of the Council to consider the complaint. The special meeting (SM) will be held not earlier than 14 days and not later than 21 days after the meeting of the F&GPC in order to allow the complainant to prepare for and, should they choose, attend the SM. The complainant will be advised of the SM date as soon as it is decided.

2.2 Notice of the meeting will include the procedure to be followed at the SM *(PM note – 3 below).*

2.3 The complainant may bring to the SM (or send in their absence) any such representative as they wish and they may jointly and severally represent the complainant at that meeting.

2.4 Not later than 7 clear days before the SM each side shall provide to the other copies of documents or other written material that will be tabled at the SM.

3. Procedure at the Special Meeting

3.1 Minutes of the meeting will be kept by a competent person who is not an officer or member of the Council.

3.2 The Council shall first consider whether the public and the press should be excluded.

3.3 The Chairman shall explain the purpose of the meeting.

3.4 The complainant (defined as at 2.3 above if appropriate) will detail the complaint or if unrepresented the Chairman will refer members to the written submissions supplied by the complainant.

3.5 If the complainant is present, members and the Clerk may ask questions of the complainant.

3.6 The Clerk will respond to the complaint on behalf of the Council.

3.7 Members may ask questions of the Clerk.

3.8 If present the complainant may ask questions of members and the Clerk.

3.9 The Clerk may make a final statement.

3.10 If present the complainant may make a final statement.

3.11 If present the complainant will withdraw while the Council consider whether, or to what extent, the complaint has substance. The Council's standing orders on decision making at meetings of the Council will apply.

3.12 During the course of these deliberations the Council may ask the Clerk to withdraw.

3.13 The Council may recall the complainant (and the Clerk if absent) at any point to seek clarification on any pertinent matter.

3.14 The Council may adjourn the meeting at this point if it considers that it is necessary to seek external advice. In the case of an adjournment the meeting will stand to be reconvened immediately preceding the next full meeting of the Council after receipt of this advice with at least 3 clear days notice being given to the complainant of the reconvention date.

3.15 In the case of an adjournment the business of the meeting will resume at 3.11.

3.16 With all present, including members of the public and the press if they have been excluded in accordance with 3.2, the Chairman will report the decision of the Council.

4. Confirmation of decision

Within 10 days of the conclusion of the SM the Clerk will confirm by first class post to the address of the complainant the decision of the meeting and, if appropriate, advise any action to be taken.

5. Third party referral

If within 21 days of the despatch of the above decision notice the complainant informs the Council in writing (delivered within the 21 day period to the official postal address of the Council) that they do not accept the decision and action referred to at 4 above and give reasons for their non- acceptance which, in the judgement of the Council, any reasonable person would consider to have substance, the matter will be referred to a third party. In this event the Clerk shall refer the original complaint,

correspondence, documents and minutes of the SM, the decision notice and the complainants response to the notice, to the Chief Executive of Waveney District or Suffolk County Council or some other suitably qualified and experienced individual, professional firm or other body as the Council may decide provided that the person or body is independent of the Council. The Council will follow the direction of this third party in relation to the complainant.