

Complaints Procedure

Cottingham Parish Council considers a complaint to be 'an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council'.

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure and the following types of complaint need to be referred to other bodies/processes.

Type of conduct	Refer to
Financial irregularity	It is a local elector's statutory right to object to the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission.
Criminal activity	The police
Member conduct	In England a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer of the relevant principal authority.
Employee conduct	Internal disciplinary procedure

Where it is appropriate for the Council to deal with a complaint the Council will follow the procedure set out below.

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 following receipt.
2. If a complainant prefers not to put the complaint to the Clerk, that person should 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.
- 4(a) On receipt of a written complaint the Clerk or Chairman, as appropriate, shall 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 East Riding of Yorkshire Council's Monitoring Officer.
- (b) Where the Chairman receives a written complaint about their own actions, the complainant should be referred to the East Riding of Yorkshire Council's Monitoring Officer. Where the Clerk receives complaint about their behaviour, the complaint should be passed to the Chairman or the 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 present their complaint to the meeting which shall rule on the matter.
7. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence they plan to rely upon. Within the same timeframe the Council shall likewise provide the complainant with copies of any documentation upon which it wishes to rely upon at the meeting.

At the Meeting

8. The Council or committee 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 a 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 or representative 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 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.

Review

16. This policy will be reviewed every three years, or earlier if significant changes are made to legislation or guidance.

Agreed by Cottingham Parish Council
Date 16 November 2023
Minute reference: 3801.1