

# Rowlands Castle Parish Council

11 The Green, Rowlands Castle PO9 6BW

Email: [clerk@rowlandscastlepc.org.uk](mailto:clerk@rowlandscastlepc.org.uk) Tel: 02392 413044 Website: [www.rowlandscastlepc.org.uk](http://www.rowlandscastlepc.org.uk)

## Complaint Handling Procedure

Adopted by Council on 3 July 2017,

Reviewed by Council on 14 May 2018 and Revised on 3 February 2020

*NB: This Code is based on NALC LTN 9E including its Appendix 1*

### Introduction

This Procedure deals with complaints made about the administration and/or procedures of Rowlands Castle Parish Council ('the Council'). This procedure is not a means of redress for its members or staff.

Complaints about an employee of the Council will be dealt with as an employment matter. Complaints about one or more councillors are subject to the Council's Code of Conduct, adopted 3 July 2017, and are the responsibility of the Monitoring Officer at East Hants District Council to investigate. Alleged criminal activity should be referred to the police.

A copy of this Procedure is available from RCPC's website and in either hard copy or PDF format from the Parish Council Office, 11 The Green, Rowlands Castle PO9 6BW Tel: 02392 413044 and Email: [clerk@rowlandscastlepc.org.uk](mailto:clerk@rowlandscastlepc.org.uk).

### 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 and/or email address,
  - Be addressed to the Clerk to the Council or, if the complaint concerns the Clerk, then it must be made to the Chair of the Staffing & Remuneration Committee,
  - 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 Chair 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 (eg 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 (eg a particular councillor, staff member, committee or sub-committee). Such persons or committee shall not include the Chair of the Council.
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 committee or sub-committee charged with investigating the complaint will exclude the

public. This would not preclude the committee or sub-committee from inviting the complainant to make verbal representations or requesting the attendance of the Clerk (or other nominated officer) 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 eg 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 officer or 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 and 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.