

# **Awre Parish Council & Burial Authority**

## **COMPLAINTS POLICY & PROCEDURE**

### **POLICY**

Awre Parish Council endeavours to carry out its statutory and other duties fairly and transparently at all times. The Council acknowledges however that there may be times when Parishioners or others may consider that the Council has failed to maintain an acceptable standard of behaviour, and therefore wish to either comment or make a formal complaint regarding such a concern.

This Policy deals with the ways in which individuals may register a concern or a complaint. Please note that matters dealt with in this Policy should relate to the manner in which the Council has/Councillors have behaved either corporately or as Individuals, rather than be a matter of disagreement with a particular decision. The Council is entitled to make any decision it wishes, providing that it does so legally and in the proper manner.

### **COMPLAINT ABOUT THE CONDUCT OF THE CLERK**

If the matter relates to the conduct of the Clerk to the Council, individuals should approach the Chairman of the Council where possible. This policy will apply where the alleged misconduct is such that it is not dealt with under the Disciplinary Procedure. The Council believe that it is best to try to resolve such situations in an informal manner, and encourages people to firstly approach the Chairman or other Councillor informally, either verbally or in writing. Most concerns can be resolved in this manner. If this approach is not possible then a Complaint Committee will be formed to deal with the matter.

### **PROCEDURE**

The Complaints Committee to comprise the Chairman or Vice Chairman of the Council, and at least two other Councillors, who will consider complaints made against the Clerk. If the complaint is brought by a Councillor they will not form part of the Committee.

### **BEFORE THE MEETING**

1. Complainant requested to submit their complaint in writing to the Chairman (or other Councillor if the Chairman is the complainant).
2. Receiving Councillor to acknowledge receipt of the complaint and advise the date when the matter will be considered by the Council.
3. Receiving Councillor to invite complainant to a meeting, bringing with them such representatives as they wish.
4. Not less than 10 clear working days prior to the meeting, the Council and complainant to exchange copies of documentation to be used as evidence/defence at the meeting.

### **AT THE MEETING**

1. The meeting shall not be open to the public.
2. Chairman to explain procedure.
3. Complainant to outline grounds for complaint.
4. Complainant questioned by the Council.
5. Council to state the Council's position.
6. Council questioned by the complainant.
7. Any further points to be raised by both sides.
8. If decision to be made at meeting:
  - 8.1 Complainant (and representative if present) asked to leave the meeting while Council discusses the matter.
  - 8.2 Complainant (and representative if present) asked to return to be advised of Council's decision, or to be advised when decision will be made.

9. If decision not to be made at the meeting, complainant to be advised when decision will be made.

## **AFTER THE MEETING**

1. Decision advised/confirmed to complainant in writing within 10 working days of the meeting, together with details of any action to be taken.
2. Complaint and decision reported to Council at next meeting.

## **COMPLAINT ABOUT THE CONDUCT OF A COUNCILLOR**

Any complaint about the conduct of a Councillor should be made in writing to the Clerk who will immediately refer it to the District Council Monitoring Officer without any initial assessment by the Clerk or the Parish Council. The complainant should be advised that the matter will be dealt with by the Monitoring Officer. It is the responsibility of the Monitoring Officer to decide whether a complaint warrants an investigation or any other relevant course of action.

The FODDC constitution states:

*5.1 Where a complaint regarding the conduct of a District Council Member, Town or Parish Member of one of the Councils in the Forest of Dean District is received it shall be referred to the District Council's Monitoring Officer (MO).'*

*Accordingly, it is the responsibility of the MO to decide whether a complaint warrants an investigation or any other relevant course of action.*

*Any complaints about the conduct of Town/Parish Councillors, should be forwarded to the Monitoring Officer (MO) as soon as possible and send the complainant an acknowledgement informing them of this, explaining code of conduct complaints fall within the remit of the MO.'*

*The Standards Panel shall have the following roles and functions:*

- a) to consider reports or recommendations of the Monitoring Officer following investigations into complaints and determine whether or not a breach of the Code of Conduct has occurred;*
- b) promoting and maintaining high standards of conduct by Councillors and co-opted Members;*
- c) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;*
- d) imposition of sanctions where a member is found to be in breach of the Code of Conduct;*
- e) the exercise of (a) to (c) above in relation to all Town and Parish Council members in the District.*

*The Standards Panel can impose any of the following sanctions:*

- censure or reprimand the Councillor.*
- publish its findings in respect of the Councillor's conduct.*
- report its findings to Council (or to the Town or Parish Council) for information.*
- remove the Councillor from any or all committees or sub-committees of the Council.*
- instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Councillor.*
- remove (or recommend to the Parish Council that the Councillor be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council).*
- withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Councillor by the Council, such as a computer, website and/or email and internet access.*

**Adopted 16<sup>th</sup> September, 2024**