



# Shalden Parish Council

## Procedure for Handling Complaints

Shalden residents may wish to complain about the decisions, the procedures, or the conduct of the members or staff of Shalden Parish Council. Please note: it may be appropriate for bodies other than Shalden Parish Council to investigate the following types of complaint:-

- **Financial irregularity:** the Council may need to consult its auditor.
- **Criminal activity:** the Council must report this type of complaint to the police.
- **Member's conduct:** If the complaint relates to a failure to comply with 'NALC Model Code of Conduct, 2018' the must be submitted to the EHDC monitoring officer as described in section 1 of this complaints procedure.
- **Employee conduct:** The council should refer to its internal disciplinary procedure.

### 1. Complaint relating to breach of Code of Conduct by a Councillor

Shalden Parish Council observes the 'National Association of Local Councils (NALC) Model Code of Conduct, 2018'. Complaints against individual councillors that involve a breach of their code of conduct should be made to the Monitoring Officer of the East Hampshire District Council. The Monitoring Officer can only deal with Code of Conduct complaints. They will not deal with complaints outside of their remit. You will need to check Shalden Parish Councils code of conduct before proceeding.

Complaints should be in writing and addressed to:

The Monitoring Officer,  
East Hampshire District Council  
Penns Place  
Petersfield  
GU34 4EX

Tel: 01730 234092

## **Making a routine complaint (regarding Council decisions or procedures)**

### **Definition**

A complaint is 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, a person, or body acting on behalf of the Council

### **2. Informal Complaints**

2.1 It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk or Chair of the Council will resolve most issues raised by a member of the public.

2.2 Any informal complaint will be brought to the Council by the Clerk or the Chair of the Council to be noted.

### **3. Formal Complaints**

#### **Before the meeting**

In order for a complaint to be considered by the Council

3.1 The complainant will be asked to put the complaint in writing to the Clerk. The Clerk's contact details can be found in section 5.

3.2 If a complainant does not wish to put the complaint to the Clerk, they will be advised to put it to the Chairman of the Council. The Chairman's contact details can be found in section 5.

3.3 The Clerk will acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Parish Council.

3.4 The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.

3.5 Seven clear working days prior to the meeting, the complainant will provide the Council with copies of any documentation, or other evidence, which they wish to refer to at the meeting. The Council will similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

#### **At the meeting**

3.6 Press and public will be excluded from the meeting.

3.7 The Chairman of the meeting should introduce everyone and explain the procedure.

3.8 The complainant (or representative) should outline the grounds for complaint before any questions from the Clerk and then from members if present.

3.9 The Clerk should explain the council's position before any questions from the complainant, and from members if present.

3.10 The complainant and then the Clerk should then summarise their position; they then leave the room while members decide whether or not the grounds for the complaint have been made. N.B. If a point of clarification is necessary, both parties will be invited back.

3.11 Clerk and complainant return to hear decision or to be advised when decision will be made.

### **After the meeting**

3.15 The decision should be confirmed in writing within seven working days together with details of any action to be taken.

3.16 The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

### **Appeals**

3.17 Should the complainant not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.

3.18 The councillors nominated to handle the appeal should, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.

3.19 If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration as at 3.2.

3.20 The appellant should be notified of the result of the appeals process within fourteen days.

## **4. Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council (or a Committee) has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. The Clerk (or Chair of the Council) will refer these matters to the Council with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## **5. Contact details**

Rob Wood,  
Clerk to Shalden Parish Council  
Waverley Cottage,  
Southwood Road,  
Shalden.

Tel: 07477 638677

Andrew Shirvell,  
Chairman of Shalden Parish Council,  
The Coach House,  
Shalden Lane,  
Shalden.

Tel: 01420 82715