

# Wheelton Parish Council

## COMPLAINT PROCEDURE

1. If a complaint cannot be satisfied in full immediately, the complainant shall be asked to put the complaint in writing to the Clerk of the Council, or the Chairman if they indicate they would prefer not to submit it to the Clerk. - If the complaint is regarding Council business or an employee, it should be directed to the Chairman for their consideration and discussion with the Complainant. - If a complaint regarding an employee is unresolved by the Chairman, the Chairman will refer the complaint to the Personnel Committee. - If the complaint is about a Councillor and his/her conduct, the complainant and the complaint will be referred directly to the Monitoring Officer at Chorley Council.
2. On receipt of a written complaint, the Clerk and the Chairman, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant. If the complaint is in respect of a complaint about the behaviour of an employee of the Council, then it shall not be settled without first notifying the employee complained of and giving them an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk to the Council or Chairman receives a written complaint about his own actions, they shall immediately refer the complaint to the Personnel Committee.
3. The Clerk/or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with a complainant.
4. The Clerk/or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council, and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered.
5. The Council shall consider the complaint and make its decision about a course of action to be taken.
  - 5.1 If, the Council decides the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public then it will exclude these from the meeting and quoting the exemption clause.
  - 5.2 If the matter is a complaint of such that the Council believes the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is about an employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to be able to attend and have a representative present/or to act (as set out in the Employment Relations Act 1999 s.10). The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the route or action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
  - 5.3 If legal, procedural or other advice is needed before deciding, this will be sought and the complaint heard at the next meeting following receipt of the advice.
6. The decision of the Parish Council will be notified in writing to the complainant as soon as is practicably possible, a letter will be sent to explain if there will be a delay.
7. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council should consider taking legal advice before writing any letters to the complainant.
8. The Parish Council will not reconsider a complaint, which it has already investigated, and for which no new information or factors are submitted.

Approved 2 July 2018