

# TOSTOCK PARISH COUNCIL

## **COMPLAINTS PROCEDURE**

Adopted 2024-03-12

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### **1 General**

- 1.1 From time-to-time members of the public may have complaints about the administration, procedures, decisions or staff of the Council. A complaint is an expression of dissatisfaction about the standard of service, actions or lack of action by the Council or its staff affecting one or more members of the public.
- 1.2 Tostock Parish Council will, as far as reasonably possible, try to resolve complaints in an informal manner. However, if this is not acceptable to the complainant then the formal complaints procedure below will be followed.
- 1.3 For other complaints the Council has a standard formal procedure recommended for transparency in local government and as a way of ensuring that complainants can feel satisfied that any complaint has been properly and fully considered and determined.

### **2 Complaints Concerning Parish Councillors**

Any person wishing to make a complaint against a parish councillor, where there is perceived to be a breach of the LGA Model Councillor Code of Conduct 2020, is required to submit that complaint to, and in writing on the official form available from:

The Monitoring Officer, Mid Suffolk District Council, Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: 0300 1234000;

<https://www.midsuffolk.gov.uk/complain-about-a-councillor>

### **3 Complaints Concerning Council Administration, Procedures and Decisions**

- 3.1 All complaints about the administration, procedures and decisions of the Council should be made in writing to the Clerk of the Council.
- 3.2 Should the complainant not wish to write to the Clerk then the complaint should be addressed to the Chair of the Council.
- 3.3 The Clerk or Chair shall acknowledge receipt of the complaint, and duly record the relevant details which should be presented to the next full meeting of the Council.
- 3.4 The Clerk or Chair shall advise the complainant when the Council will consider the matter.
- 3.5 The complainant shall be invited to attend the relevant meeting comprising five councillors, led by the Chair or Vice-Chair (only one should participate) of the Council, and to bring with him/her any representation as he/she feels would be helpful and supportive.

## **TOSTOCK PARISH COUNCIL**

### **COMPLAINTS PROCEDURE**

Adopted 2024-03-12

---

- 3.6 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, to which he/she wishes to refer at the meeting. Similarly, the Council shall provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.
- 3.7 At the meeting the Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. However, any decision on a complaint shall be announced, in public, at a full Council meeting.
- 3.8 The Chair or Vice-Chair shall introduce everyone involved and explain the procedure to be followed prior to conducting the process itself.
- 3.9 The complainant shall be asked to outline the grounds for complaint and thereafter questions may be asked by councillors. At any time, the Clerk may ask questions to provide both for clarity and for the accuracy of the formal record.
- 3.10 The Clerk shall, if relevant, explain the position of the Council and questions may be asked by the complainant and councillors.
- 3.11 The Chair or Vice-Chair and then the complainant shall be offered the opportunity to summarise the respective positions.
- 3.12 If appropriate, the complainant, may be asked to leave the room while the Council decides whether or not the grounds for complaint have been made.
- 3.13 The complainant may return to hear the decision or elect to be advised when the decision will be made.
- 3.14 Regardless of whether or not the complainant returns to the meeting, he/she will be notified in writing of the outcome of the Council's findings within seven working days of the decision.

#### **4 Complaints Concerning Council Staff**

- 4.1 All complaints about Council staff should be made in writing to the Chair of the Council.
- 4.2 The Chair shall acknowledge receipt of the complaint, and duly record the relevant details which should be presented to the next full meeting of the Council.
- 4.3 The Chair should inform the member of staff that a complaint has been received and the nature of the complaint.
- 4.4 The complainant shall be invited to attend the relevant meeting comprising five councillors, led by the Chair, and to bring with him/her any representation as he/she feels would be helpful and supportive.

**TOSTOCK PARISH COUNCIL**  
**COMPLAINTS PROCEDURE**

Adopted 2024-03-12

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- 4.5 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, to which he/she wishes to refer at the meeting. Similarly, the member of staff shall also provide the Council with copies of any documentation upon which he/she wishes to rely at the meeting.
- 4.6 At the meeting the complaint will necessarily be discussed in the absence of the press and the public. However, any decision on a complaint shall be announced, in public, at a full Council meeting.
- 4.7 The Chair shall introduce everyone involved and explain the procedure to be followed prior to conducting the process itself.
- 4.8 The complainant shall be asked to outline the grounds for complaint and thereafter questions may be asked by councillors.
- 4.9 The member of staff shall then be asked to outline his/her position and thereafter questions may be asked by councillors.
- 4.10 The Chair shall then summarise the respective positions.
- 4.11 Both the member of staff and complainant will be asked to leave the room while the Council decides whether or not the grounds for complaint have been made. If clarification on a point is necessary, both parties shall be invited back.
- 4.12 The member of staff and complainant shall be invited to return to hear the decision, or be advised when the decision will be made.
- 4.13 In the event that a decision is not made immediately the member of staff will be informed, in writing, of the outcome by the Chair within seven working days of the decision; and the complainant also notified in writing of the outcome of the Council's findings within the same seven working days of the decision.

## **5 Malicious/Vexatious Complaints**

In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council shall consider taking legal advice before communicating with the complainant and, especially, prior to issuing any written response.

## **6 Appeals**

- 6.1 If either the complainant or member of staff wishes to appeal against the decision reached, then he/she submit that appeal in writing to the Clerk or Chair, as appropriate, stating the full grounds for his/her dissatisfaction within 10 days of the decision being reached.

**TOSTOCK PARISH COUNCIL**  
**COMPLAINTS PROCEDURE**

Adopted 2024-03-12

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- 6.2 In the event that an appeal hearing is deemed to be warranted then the Clerk or Chair will provide written notice of the date, time and place of the appeal hearing. The appeal hearing will consider both the procedure followed and original outcome determined.
- 6.3 The appeal hearing will, necessarily, be conducted by those councillors who were not previously involved in the case, i.e. the Chair or Vice-Chair and three other councillors.
- 6.4 The meeting process to be followed will replicate that of the original hearing into the complaint concerning Council administration, procedures and decisions or that concerning a member of staff, whichever is appropriate.
- 6.5 Following the appeal hearing the Clerk or Chair shall confirm the outcome, in writing, within seven working days and that decision shall be final.