

DRIFFIELD TOWN COUNCIL
EXTERNAL COMPLAINTS PROCEDURE

Reviewed and Adopted 5th November Minute Number: 119/19

“A complaint is an expression of dissatisfaction of one or more members of the public about the council’s action or lack of action or about the standard of service, whether the action was taken or the service provided by the council itself or a person or body action on behalf of the council”

This policy sets out procedures for dealing with complaints that anyone may have about Driffield Town Council’s administration and procedures. Complaints about policy decisions made by the Council shall be referred back to the Council (note paragraph 36 of the Council’s Standing Orders which says that issues shall not be re-opened for six months)

Before the Meeting

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and they cannot satisfy the complainant fully, the complainant shall be asked to put the complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant prefers not to put the complaint to the Clerk he or she shall be advised to put it to the Chairman of the Council.
3. The clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
- 4(a) On receipt of a written complaint the Clerk or Chairman, as appropriate, shall (except where the complaint is about the Clerk), try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor. Complaints about the Clerk will be dealt with under the Council’s employment policies and procedures. Where a member of the public wishes to complain about an individual councillor, they shall be referred to the local Standards Committee
- (b) Where the chairman receives a written complaint about his or her own actions, he or she shall refer the complainant to the local Standards Committee. Where the Clerk receives complaint about his or her behaviour he or she shall refer it to the Grievance Committee.
5. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

6. The Clerk or Chairman shall bring any written complaint which has not been settled to the next meeting of the Council. **The council shall then determine whether to consider the complaint or refer it to a complaints committee. Referring to a complaints committee allows for an appeal to be heard either by an appeals committee or the full council.** The Clerk shall then notify the complainant of the date on which the complaint will be considered, and the complainant shall be offered an opportunity to explain the complaint orally.
7. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

8. The Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the public and press but any decision on a complaint shall be announced at the council meeting in public.
9. The chairman should introduce everyone and explain the procedure.
10. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
11. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
12. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
13. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
14. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them. The Council shall defer dealing with any written complaint **only** if it is of the opinion that issues of law or practice arise on which advice is necessary from the Association. Such complaints shall be dealt with at the next meeting after the advice has been received.

After the Meeting

15. The decision should be confirmed in writing within seven working days together with details of any action to be taken. **The letter should also refer to any appeals procedure, if the council has so determined, or emphasise that the council's decision is final.**