



# OAKHAM TOWN COUNCIL

## COMPLAINTS PROCEDURE

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## **1. THE POLICY**

This Policy sets out procedures for resolving any complaints made about Oakham Town Council's administration and procedures. It applies to the Council's employees and to Contractors employed by the Council. Councillors are covered by a Code of Conduct adopted by the Council on 16<sup>th</sup> May 2007. Complaints against policy decisions made by the Council shall be referred back to the Council subject to paragraph 11 (a) of the Council's Standing Orders. This states that a decision of the Council shall not be debated within six months save by a special resolution which should be signed by at least 6 members of the Council. Please note that Standing Order 11 can also be suspended by the Council by resolution at a meeting, if it deems it necessary.

## **2. PROCEDURE FOR THOSE WISHING TO MAKE A COMPLAINT**

- 2.1** If a complaint about procedures or administration as practised by the Council's employees or Contractors is notified orally to a Councillor or to the Clerk of the Council, they should seek to satisfy the complaint fully. If that fails, the complainant should be asked to put the complaint in writing to the Clerk of the Council and be assured that it will be dealt with promptly after receipt.
- 2.2** If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to forward it to the Chairman of the Council.

## **3. PROCEDURE FOLLOWING RECEIPT OF A COMPLAINT**

- 3.1** On receipt of a written complaint the Chairman of the Council or the Clerk to the Council (except where the complaint is about the Clerk), shall try to settle the complaint directly with the complainant. This shall not be done without first notifying the person complained against and giving him or her an opportunity to comment.

Ward Councillors will also be informed of the complaint at this stage and, following discussions with the Chairman and / or the Clerk may seek to talk to all parties in an effort to resolve the issue. Ward Councillors will be advised to seek advice from the Monitoring Officer as to whether any involvement at this stage may prejudice their ability to take part in any further proceedings, should they take place, relating to the complaint.

All efforts should be made to attempt to settle the complaint at this stage.

- 3.2** Where the Clerk to the Council receives a written complaint about the Clerk to the Council's own actions he or she shall refer the complaint to the Chairman of the Council. The Clerk to the Council shall be given an opportunity to comment.

- 3.3** The Chairman of the Council or Clerk to the Council shall report to the next available meeting of the Council any written complaint disposed of by direct action with the complainant.
- 3.4** The Chairman of the Council or the Clerk to the Council shall report any written complaint that has not been settled to the next available meeting of the Council. The Council will then decide on what action needs to be taken. This may involve inviting the complainant to a meeting to explain their complaint more fully. In the interests of fairness the person complained about may also be invited to give their response to the complaint.
- 3.5** Subject to decisions made in accordance with 3.4 above the Clerk to the Council shall then notify all parties of the date on which the complaint will be considered. All parties involved shall be offered an opportunity to speak on the matter. An exception to this is where the matter may be related to Grievance, Disciplinary or Standards Board proceedings that are taking, or likely to take place, where such a statement may prejudice those hearings.
- 3.6** The Council shall determine by resolution whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
- 3.7** As soon as practical after the decision has been made, it, and the nature of any action taken, shall be communicated in writing to the complainant and to the person complained about.
- 3.8** The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practise arise and that it is necessary that legal advice is obtained. In this instance all parties will be kept informed of any progress regarding the complaint. The complaint shall be dealt with at the next available meeting of the Council after any such advice has been received.
- 3.9** In all cases, all parties will be informed promptly of the progression of the complaint. It is the express wish of the Council that, notwithstanding any unavoidable delays, all complaints are dealt with within a period of six weeks from the date of the original complaint.

#### **4 DISSATISFACTION WITH ANY DECISION RELATING TO A COMPLAINT**

- 4.1** If the complainant is dissatisfied with any decision taken by the Council then he or she will be advised of what further action they make take. For instance, a

complaint regarding a request under the Freedom of Information Act 2000 can be taken further via the Information Commissioner's Office.