

# **LITTLE OAKLEY PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

**Adopted 10<sup>th</sup> June 2020 (Minute Number 20/030)**

**Reviewed biennially**

**Reviewed 12<sup>th</sup> June 2024 (Minute Number 24/031)**

**Next Review Date June 2026**

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**1.** The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

**2.** This procedure does not cover complaints about the conduct of a member of the Parish Council. Any complaint that a Councillor may have breached the Council's adopted code of conduct should be referred to:

The Monitoring Officer  
Tendring District Council  
Corporate Services  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex CO15 1SE

Or by email to: [standards@tendringdc.gov.uk](mailto:standards@tendringdc.gov.uk)

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor and cannot deal with complaints about matters that are not covered by the Members' Code of Conduct. If you make a complaint to the Monitoring Officer, you must state how and why you feel a Councillor has not followed the Code of Conduct. This can be viewed on the Governance Documents page of Little Oakley Parish Council's website, or by written request for a hard copy from the Parish Clerk.

A complaint must be about something specific, so you will need to set out exactly what it is the Member said or did. For example, instead of writing that the Member insulted you, you should state what it was they actually said. In addition you should

- Provide exact dates of events or, if you cannot do this, you should state approximately when events occurred.
- Confirm whether there were any witnesses and provide their names and contact details.
- Provide any relevant background information.

**3.** If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

**4.** The complainant must put the complaint in writing to the Clerk to the Council (complainant will be advised of the Clerk's address) or may email to: [clerk@littleoakleypc.org.uk](mailto:clerk@littleoakleypc.org.uk). The complaint will be dealt with within 28 days of receipt.

**5.** If the complainant prefers not to put the complaint to the Clerk to the Council (if the matter relates to the Clerk, for example) the complainant should be advised to write to the Chairman (email: [chair@littleoakleypc.org.uk](mailto:chair@littleoakleypc.org.uk)) or the Vice Chairman of the Council.

**6. (a)** On receipt of a written complaint, the Clerk to the Council (except where the complainant relates to their own actions), or the Chairman or Vice Chairman of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving that person an opportunity to comment. Efforts should be made to resolve the complaint at this stage.

**(b)** Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, they shall refer the complaint to the Chairman or Vice Chairman of Council. The Clerk to the Council shall be formally advised of the matter and given an opportunity to comment.

**7.** The Clerk to the Council, (or the Chairman or Vice Chairman of the Council) will report any complaint disposed of by direct action with the complainant to the next full meeting of the Council.

**8.** The Clerk to the Council, (or the Chairman or Vice Chairman of the Council) will report any complaint that has not been resolved to the next full meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered (wherever possible, the Clerk will notify the complainant at least 14 clear working days prior to such date) and the complainant will be offered an opportunity to explain the complaint to the Council orally. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

**9.** Matters relating to grievance or disciplinary proceedings that are taking place, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.

**10.** The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.

**11.** The Council may consider in the circumstances of any particular complaint, whether to make any 'without liability payment' or provide other reasonable benefit to any person who has suffered loss as a result of the Council's mal-administration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

**12.** As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

**13.** The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.