



Newby & Scalby Town Council

COMPLAINTS POLICY

Adopted by Full Council
12th September 2012

Under
Review

COMPLAINTS POLICY

- 1 This Policy sets out procedures for dealing with complaints about the Council's administration and procedures.
- 2 If a complaint about procedures or administration, as practised by the Council's employees, is notified orally to a Councillor or to the Clerk, they will seek to satisfy the complaint fully. If that fails, the complainant will be asked to put the complaint in writing to the Clerk and receive an assurance that it will be dealt with promptly after receipt.
- 3 If the complainant prefers not to put the complaint to the Clerk he or she should be advised to put it to the Chairman or Vice Chairman of Council.
- 4 (a) On receipt of a written complaint the Chairman, Vice Chairman or 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. Efforts will be made to attempt to settle the complaint at this stage. **NB. Where the complaint is against the actions of a Town Councillor, the Chairman or Vice Chairman and the Clerk (Vice Chairman and Clerk if the complaint is about the Chairman) will have regard to the requirements of Chapter 7 of the Localism Act 2011 and if appropriate direct the complainant to the Monitoring Officer of North Yorkshire Council.**

(b) Where the Clerk receives a written complaint about the Clerk's own actions, he or she shall refer the complaint to the Chairman or Vice Chairman of Council. The Clerk shall be notified and given an opportunity to comment.
5. The Clerk, Chairman or Vice Chairman will report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.

6. The Clerk, Chairman or Vice Chairman will bring any written complaint that has not been settled to the next meeting of the Council. Copies of all correspondence will be circulated with the agenda papers prior to the meeting.
7. The Clerk will notify the complainant of the date on which the complaint will be considered. ***(Unless such a matter may be related to Grievance, Disciplinary or Code of Conduct proceedings that are taking, or likely to take place. If so then such a hearing may prejudice those hearings and the complaint will have to be heard under Exempt Business to exclude any member of the public or the press, or deferred until appropriate advice is received).***
8. The complainant will be invited to:
- (a) Submit written representations for consideration by Council
 - Or
 - (b) Have the complaint heard in person
9. Where a complainant wishes to have their complaint heard in person by Council then the following procedure will apply:
- (a) The Chairman will invite the complainant to state in full the details of the complaint.
 - (b) The subject of the complaint will be invited to question the complainant.
 - (c) The members of Council will be allowed to question the complainant.
 - (d) The subject will be invited to answer the complaint.
 - (e) The complainant will be invited to question the subject.
 - (f) The members of the Council will be allowed to question the subject.
 - (g) The complainant will sum up.
 - (h) The subject of the complaint will sum up.
 - (i) The complainant and the subject will withdraw.

- (j) The members of the Council will consider the evidence and come to decision in respect of the complaint. Where the complaint is upheld in full or in part the Council will recommend a remedy to the complaint.
- (k) The complainant and the subject of the complaint will be invited back into the meeting and advised of the decision.
- 10 The Council will consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public and if it is deemed appropriate will proceed in accordance with Standing Orders. Any decision or determination on a complaint will be announced at the Council Meeting in public, immediately thereafter.
- 11 As soon as practicable, after the decision has been made, the decision and the nature of any action to be taken will be communicated in writing to the complainant.
- 12 The Council will only defer dealing with any written complaint if, on the opinion that issues of law or practice arise on which advice third party advice is necessary. The complaint will then be dealt with at their next Meeting after the advice has been received.

Document History		
Status	Date	Version
Council Adopted [Minute 113.2.2 refers]	12/9/2012	
Amended to reflect Council's name change	01/05/2022	
Amended to reflect changes caused by creation of Unitary authority	01/04/2023	