

**TEWKESBURY TOWN COUNCIL
COMPLAINTS - CODE OF PRACTICE
MAY 2015**

1. Introduction

- i. Tewkesbury Town Council takes its responsibility for good conduct seriously. This procedure details how the Council will respond to complaints made to the Council.
- ii. The Council will accept written, oral, electronic, and complaints made in person.
- iii. All complaints investigations shall be undertaken in the strictest confidence until such time as the matter is resolved.

2. Initial Complaint

- i. In the first instance the Town Clerk will endeavour to resolve the complaint. If this is not possible or appropriate the following procedure applies.

3. Stage One – Formal Response

- i. The Complainant should be asked to formally put the complaint to the Clerk, if the Complainant does not wish to put the complaint to the Clerk, he or she should put it to the Town Mayor (as Chairman of the Council).
- ii. The Clerk (or Town Mayor) should acknowledge the complaint in writing within 5 days and attempt to satisfy the Complainant by providing an explanation, in writing, about the Council's procedures or administration in relation to the specific complaint.

4. Stage Two – Committee Investigation

- i. If the Complainant is not satisfied with the response and wishes to appeal, the Clerk shall call a meeting of the Staffing Committee. The Committee shall consist of a least three (3) councillors who are impartial. The Clerk shall notify the Complainant of the venue, date and time of the meeting at which the Committee will consider the complaint and shall invite the Complainant to attend, accompanied by a representative if wished.
- ii. An agenda will be provided according to current procedures and only invited Councillors will be permitted to attend the meeting
- iii. The Clerk shall request the Complainant to provide, at least five clear working days prior to the meeting, copies of any documentation or other evidence which he or she intends to produce at the meeting. Similarly, the Clerk shall provide the Complainant with copies of any documentation to which the Committee might refer to at the meeting.

5. Stage Two - At the Meeting

- i. The Committee shall conduct the hearing of the complaint in private. However, the decision on a complaint shall be announced at the meeting in public.
- ii. The Chairman shall make introductions and explain the procedure.

- a) The Complainant (or representative) shall outline the grounds for the complaint.
- b) The Committee shall ask any questions of the Complainant.
- c) If relevant, the Clerk shall explain the Council's position.
- d) The Committee shall ask any questions of the Clerk.
- e) The Clerk and Complainant (in that order) shall be offered the opportunity to summarise their position.
- f) The Clerk and Complainant shall be asked to leave the room while the Committee decides whether or not the complaint is justified (if a point of clarification is necessary, both the Clerk and the Complainant shall be invited to rejoin the meeting).
- g) The Clerk and Complainant shall be invited to return to the meeting to hear the decision or to be advised when the decision will be made.

6. Stage Two - After the Meeting

- i. The decision shall be confirmed in writing within seven working days, together with details of any action taken.
- ii. If the complainant is not satisfied with the Committee's decision then the Clerk will advise the Complainant the process for them to take the matter to the Monitoring Officer/Ombudsman

N.B. - Where the term 'Clerk' is given, the term of 'Chairman' could also apply dependant on circumstance

7. Code of Conduct Complaint - Councillors

- i. In relation to a complaint regarding the conduct of a Town Councillor: -
 - a) Serious allegations will be referred straight to the Monitoring Officer.
 - b) Initially, the Chairman of the Staffing Committee and Town Clerk should seek to resolve the complaint.
 - c) If this is not possible or appropriate the Staffing Committee has responsibility for hearing the complaint.

8. Code of Conduct Complaint - Committee Meeting Procedure

- i. An agenda will be provided according to current procedures and only invited Councillors will be permitted to attend the meeting.
- ii. Any Committee hearing shall consist of a least three (3) councillors. The Chairman shall notify the Complainant and affected Councillor of the venue, date and time of the meeting at which the Committee will consider the complaint and shall invite them both to attend, accompanied by a representative if they wish.

9. Code of Conduct Complaint - At the Meeting

- i. The Committee shall conduct the hearing of the complaint in private. However, the decision on a complaint shall be announced at the meeting in public.
- ii. The Chairman shall make introductions and explain the procedure.
 - a) The Complainant (or representative) shall outline the grounds for the complaint.
 - b) The Committee shall ask any questions of the Complainant.
 - c) The Councillor will explain their position.

- d) The Committee shall ask any questions of the Councillor.
- e) The Complainant and Councillor (in that order) shall be offered the opportunity to summarise their position.
- f) The Complainant and Councillor shall be asked to leave the room while the Committee decides whether or not the complaint is justified (if a point of clarification is necessary, both the Councillor and the Complainant shall be invited to rejoin the meeting).
- g) The Councillor and Complainant shall be invited to return to the meeting to hear the decision or to be advised when the decision will be made.

10. Code of Conduct Complaint - After the Meeting

- i. The Chairman shall respond to the Councillor within seven (7) days with the recommendations of the Committee.

11. Code of Conduct Complaint - Appeal

- i. If the affected Councillor wishes to appeal the decision of the Staffing Committee, an Appeals Panel of three different councillors will be appointed, by the Town Council to hear the Appeal. The Town Council will also appoint the Chairman of the Panel
- ii. The Chairman shall notify the affected Councillor of the venue, date and time of the appeal and shall invite the Councillor to attend, accompanied by a representative if wished.
- iii. An agenda will be provided according to current procedures and only invited Councillors will be permitted to attend the meeting
- iv. At the meeting the Councillor will be allowed to put the grounds for the appeal. The Appeals Panel may then ask questions of the Councillor.
- v. If a point of clarification is necessary or additional information required the Panel can request that information and adjourn the meeting
- vi. The Councillor should be allowed the final summary

12. Code of Conduct Complaint - Post the Appeal

- i. The Chairman shall respond to the Councillor within seven (7) days with the decision of the Appeals Panel.
- ii. The decision of the Appeals Panel will be reported to Town Council