

# WOLSINGHAM PARISH COUNCIL

## COMPLAINTS PROCEDURE

### STANDARDS FOR COUNCIL ACTIVITY

- We aim to achieve the highest standards of behaviour, in terms of ethical principles, respectful interaction, equality and fairness in all our dealings as a council.
- Every opinion will be listened to, though the council may have to make decisions based on the principles of representative democracy.
- This will mean that some individuals may not get the outcomes they would have wished.
- As long as proper procedures and behaviours have been followed, the outcome of council decisions is not open to the complaints procedure.

Any failure to respect the following 'Member Obligations' is open to complaint.

### **We are bound by the Nolan Principles, and by Member Obligations under the NALC Code of Conduct**

*When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:*

1. *He/she shall behave in such a way that a reasonable person would regard as respectful.*
2. *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*
3. *He/she shall not seek to improperly confer an advantage or disadvantage on any person.*
4. *He/she shall use the resources of the Council in accordance with its requirements.*
5. *He/she shall not disclose information which is confidential or where disclosure is prohibited by law.*

Similarly, any failure to respect the Nolan principles is open to complaint. **All members of the council** should act in accordance with these principles, which are:

#### **1. Selflessness**

*Holders of public office should act solely in terms of the public interest.*

#### **2. Integrity**

*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.*

#### **3. Objectivity**

*Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.*

**4. Accountability**

*Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.*

**5. Openness**

*Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.*

**6. Honesty**

*Holders of public office should be truthful.*

**7. Leadership**

*Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.*

Any apparent breach of the above conditions by any councillor cannot be addressed by the Parish Council but must be referred to the DCC Monitoring Officer for them to deal with, using the form and information which is available on DCC website at;  
<http://www.durham.gov.uk/article/2735/Complaints-about-councillors>

## **OTHER MATTERS OF CONCERN OR COMPLAINT**

If you have other concerns which you feel may be cause for complaint, but which are not clearly identified above, this may be considered in a Stage One informal hearing.

### **Stage One: Informal Resolution**

A Complainant may feel that an issue which concerns them should be the basis for complaint and resolution. Sometimes this may be due to a misunderstanding or difference of perspective, which might be resolved by discussion and clarification. For this reason, the first stage is always an informal exploration of the issues.

1. The complainant should make a written statement which outlines their concerns, including the resolution which they seek, and submit this to the Town Clerk and/or Chairman.
2. An informal hearing will be arranged within 28 working days to discuss the issue, involving the Complainant, the Clerk and Chair or Vice Chair as appropriate. The Complainant may bring a supporting person to assist them. (If the complaint is about the Clerk, Chair or Vice Chair, that person will not be included in this hearing)
3. This informal hearing may be able to agree an understanding or resolution which satisfies the Complainant. This might include, for example, an apology, a correction, or any other informal arrangement which resolves the matter to the satisfaction of the Complainant.
4. If this is not possible, then the matter will be escalated to Stage Two.

## **Stage Two: Formal Resolution Process**

At this stage, the Complainant and the officers of the Council are seeking a resolution which formally involves the Council. The matter will be raised on the next Council Meeting Agenda (anonymously and confidentially if appropriate). The Council will then follow its Formal Resolution Process;

1. A panel of three persons will be established by the council, including the Clerk, Chair or Vice Chair, and other councillors as appropriate. (If the complaint is about the Clerk, Chair or Vice Chair, that person will not be included in this panel). They may co-opt an additional expert adviser if specialist expertise is seen to be necessary. This panel will meet with the complainant at the earliest mutually convenient time, and report back to the next council meeting.
2. The Complainant may bring with them to the panel a supporting person, who might be an appropriate expert adviser if they so wish.
3. The panel will receive any evidence which the complainant offers, and listen to their concerns and to the proposed resolution which the complainant is seeking.
4. The panel will hear the views of the Subject of the complaint, which may include written evidence, verbal evidence and any relevant information which the Subject wishes to offer.
5. The panel will then consider and agree their views, and report them in writing to the next council meeting and to the Complainant.
6. The Council will receive the report of the panel, and decide on any appropriate action, which will then be offered to the Complainant.
7. If the Complainant is satisfied with that outcome, the matter is satisfactorily resolved and remains a matter of record.
8. If the Complainant is not satisfied with the resolution offered, they may submit a written response to be considered by the next council meeting. At that stage the democratic decision of the Council is final.
9. As with all Council decisions, any formal decision of the council may not be reconsidered within the next six months.

Revised and Adopted 16th April 2024

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