



# Rushmere St Andrew Parish Council

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## COMPLAINTS PROCEDURE & TERMS OF REFERENCE

### COMPLAINTS PROCEDURE

#### 1. Making a complaint

- 1.1 The following procedure should be followed by anyone wishing to make a complaint against the Parish Council's procedures or administration. The complaints procedure is not a means of redress for members or staff.
- 1.2 If you have a complaint against a Parish Councillor you should write to:  
The Monitoring Officer  
East Suffolk Council  
East Suffolk House  
Station Road  
Melton  
Woodbridge  
IP12 1RT
- 1.3 If you have a complaint against an employee of the Parish Council, you should write to the Chair:  
Chairman  
Parish Council Office  
Rushmere St Andrew Parish Council  
Tower Hall  
5 Broadlands Way  
Rushmere St Andrew  
IP4 5SU
- 1.4 If you have any other complaint you should write to the Proper Officer to the Council:  
Clerk  
Parish Council Office  
Rushmere St Andrew Parish Council  
Tower Hall  
5 Broadlands Way  
Rushmere St Andrew  
IP4 5SU
- 1.5 To allow your complaint about the Parish Council's procedures or administration to be dealt with, the Parish Council has adopted the following procedure which will be followed where complaints cannot be resolved less formally by the Clerk to the Council or the prevailing Chairman.



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- 1.6 The Parish Council will not deal with anonymous complaints. Complaints made to the Clerk are complaints made to the Council. The Clerk will not accept complaints made on the basis that the information is not passed to the Council but will exercise appropriate discretion, for example, should the matter relate to sensitive issues, potentially create legal liabilities or relate to criminal investigations. The right to report relevant matters to enforcing authorities is reserved.

## **2. Processing the complaint**

- 2.1. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the Council's Proper Officer (The Clerk).
- 2.2 If the complainant does not wish to put the complaint to the Proper Officer, they will be advised to put it to the Chair of the Council.

## **3. Receipt of the complaint**

- 3.1 The Proper Officer or Chair of the Council will acknowledge the receipt of the complaint and advise the complainant that the matter will be referred to the Council's Complaints Committee within 7 days of receiving the complaint, confirming to the complainant that the complaint will be treated as a confidential matter.

## **4. Investigating the complaint**

- 4.1 The Complaints Committee will investigate the complaint and collate evidence.
- 4.2 If the Parish Council feels that the matter does not warrant consideration, the Clerk to the Council shall explain in writing why the matter will not be considered by the Committee. This may include how the matter has been resolved or why the matter is not appropriate or does not warrant further referral, including where the matter is vexatious or repetitious.
- 4.3 An appeal for the non-referral of a complaint must be made within 5 days and will be referred back to the Complaints Committee unless they have previously considered this, related matters or the complainant (or an associated person) is vexatious or repetitious.
- 4.4 Responsibility for the consideration and determination of a complaint will be delegated by the Complaints Committee to a sub-committee by resolution and will not be subject to the statutory right of attendance by the public and press.

## **5. Meeting the complainant**

- 5.1 The complainant will be invited to attend the relevant meeting to make verbal representations where it is considered appropriate and productive for determining the finding of the meeting and may be accompanied.



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- 5.2 Seven clear working days prior to the meeting, the complainant will provide the Clerk with copies of any documentation or other evidence, which they wish to refer to at the meeting, for referral to a sub-committee as set-up by the complaints committee. The Proper Officer on behalf of the Council will similarly provide the complainant with copies of documentation upon which it wishes to rely at the meeting.

### 6. At the Meeting

- 6.1 The Meeting will take the following format:

- a) The Chairman of the Committee will introduce everyone.
- b) The Chairman will explain the procedure.
- c) The Complainant will outline the grounds for complaint.
- d) The Committee members will then ask any question of the complainant.
- e) If relevant or necessary the Chairman will explain the Council's position.
- f) The Committee members will ask any question of the Clerk or Chairman.
- g) The complainant and the Chairman will be offered the opportunity to sum up the respective positions.
- h) The Complainant and the Clerk will be asked to leave the room while the Committee members decide whether or not the grounds for the complaint have been upheld, and where appropriate provide recommendations.  
*Note: If a point of clarification is necessary then both parties will be invited back.*
- i) The Complainant and the Clerk will return to hear the decision or will be advised as to when the decision will be made.
- j) Any decision on a complaint will be announced at a Parish Council meeting in public.

### 7. After the Meeting

- 7.1 The decision will be confirmed in writing, by the Council's Proper Officer within seven working days together with details of any action to be taken, to include:

- a) Whether it has upheld the complaint, together with reasons for the decision
- b) Details of any action to be taken
- c) That there is no right of appeal



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## TERMS OF REFERENCE - COMPLAINTS COMMITTEE

### Introduction

1.1 The Complaints Committee is responsible for dealing with formal complaints that cannot be resolved informally. Acting on behalf of the Parish Council, the Committee provides a clear and confidential process through which individuals may formally raise issues regarding parish procedures and administration.

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### Governance

2.1 The Complaints Committee is appointed by, and solely accountable to, Rushmere St Andrew Parish Council. Its duties and functions are defined and approved by the Full Council.

2.2 The committee shall consist of a minimum of five Parish Councillors. The quorum will be three members.

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### Meeting Arrangements

3.1 The committee will meet as and when required.

3.2 The Officers of the Parish Council will provide administrative support for the committee, including preparing agendas, minutes, and notices.

3.3 Meetings shall normally be held in private session due to the confidential nature of matters considered, in accordance with the Public Bodies (Admission to Meetings) Act 1960.

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### Responsibilities

4.1 The committee has delegated authority to act within its remit, as outlined below.

4.2 Responsibilities include:

- Investigating and dealing with complaints
  - Informing complainants and Parish Council of the outcome of complaints
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### **Quorum and Membership**

5.1 The quorum for complaints committee meetings shall be three members. If a quorum is not present, no official business may be transacted, and the meeting will be adjourned. Any Councillor who is the subject of the complaint will not be present when the Committee discuss and makes a decision regarding the complaint.

5.2 Substitute members may be appointed by the Full Council to ensure the committee can fulfil its responsibilities during absences.

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### **Monitoring and Review**

6.1 The committee's performance and effectiveness shall be reviewed annually by the Full Council. Adjustments to the Terms of Reference may be made to reflect evolving responsibilities and ensure compliance with legislation.

6.2 These Terms of Reference shall be reviewed annually and presented to the Full Council for approval.

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