



## **ALTON TOWN COUNCIL**

### **CODE OF PRACTICE FOR HANDLING COMPLAINTS - UPDATED JANUARY 2023**

1. This code is concerned with complaints about the Council's procedures and administration, including requests for Freedom of Information Act Internal Reviews.
2. It is not concerned with complaints against an individual employee, which will be dealt with as an employment matter; nor is it concerned with complaints about an individual Councillor which relate to a member's failure to comply with the council's Code of Conduct. This is subject to the jurisdiction of the Monitoring Officer at East Hampshire District Council.

### **3. Making a complaint**

- 3.1 The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Town Clerk.
- 3.2 If the complainant does not wish to put the complaint to the Town Clerk they are advised to put it to the Mayor.
- 3.3 The Town Clerk shall acknowledge receipt of the complaint within 5 working days and advise the complainant when the matter will be considered by the panel established for the purposes of hearing complaints.
- 3.4 The panel will consist of the Mayor, plus two other councillors.
- 3.5 The complainant shall be invited to attend the meeting of the panel and bring with them such representative who is either a friend or relative, or a trade union representative.
- 3.6 The meeting will not be open to the public and press; however, witnesses may be called for the appropriate part of the hearing.
- 3.7 Seven clear working days prior to the meeting the complainant shall provide the council with copies of any documentation or other evidence that 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.

### **4. At the Meeting**

- 4.1 The Mayor, or in his/her absence the chair of the panel, to introduce everyone.
- 4.2 The Mayor, or in his/her absence the chair of the panel, to explain procedure.
- 4.3 The complainant (or representative) to outline the grounds for complaint.
- 4.4 Members to ask any question of the complainant.

- 4.5 The Town Clerk or relevant committee chair to represent and explain the council's position.
- 4.6 Members to ask any question of the council's representative.
- 4.7 Council representative and complainant or his/her representative to be offered the opportunity of summing up. No further evidence may be introduced at this stage.
- 4.8 Town Clerk or committee chair and complainant and his/her representative to be asked to leave the room while the panel decide whether the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
- 4.9 Town Clerk or committee chair and complainant and his/her representative return to hear decision or to be advised when decision will be made. The decision of the panel will be by simple majority and will be final.

## **5. After the Meeting**

- 5.1 Decision confirmed in writing to the complainant within ten working days together with details of any action to be taken.
- 5.2 Any decision on a complaint shall be announced at a Council meeting in public.

## **6. Freedom of Information Act Internal Reviews**

- 6.1 Requests for a Freedom of Information Act Internal Review shall be made to the Town Clerk in writing.
- 6.2 The Town Clerk will acknowledge receipt within 2 working days and will aim to advise the complainant of the outcome of the Internal Review within 20 working days.
- 6.3 The complainant will be asked to submit any supporting evidence to support their request for a review within 5 working days from the date of acknowledgment. The Town Clerk will also be asked to submit a report outlining the details of the original Freedom of Information response given by the Council within the same time frame.
- 6.4 If the complainant fails to submit any supporting evidence within the 5 working days, the review will be set aside.
- 6.5 Once all reports and evidence have been received, one Councillor and one Senior Officer not connected to the original Freedom of Information Act response, shall meet to review the complaint and determine whether the complaint shall be upheld or dismissed.
- 6.6 The decision shall be confirmed in writing to the complainant within five working days together with details of any action to be taken.