



Moulton Parish Council

<https://moultonpc.org.uk>

Dispute Resolution Procedure

Introduction

This procedure addresses all complaints (other than those excluded by the following paragraph) made to Moulton Parish Council.

The following complaints are handled outside of these procedures:

- Financial irregularity complaints are handled by the Council's own auditor.
- Reports of criminal activity are addressed by the Police.
- Concerns of member conduct are handled by the standards committee of the unitary authority.
- Complaints regarding employee conduct are dealt with by internal disciplinary procedures.

Moulton Parish Council will consider complaints in either a Full Council Meeting, or the Chairman (or Acting Chairman) of Moulton Parish Council can convene a subset of councillors to hear the particular case. In all cases, two councillors must not be party to initial proceedings, to handle any appeal (if required).

The Clerk, or a nominated councillor, must represent the Parish Council through the proceedings as the Council Representative. If a councillor adopts this role, then they cannot sit to adjudicate the complaint or any appeal.

Complaint

The complainant should make a written submission to the Clerk or the Chairman of Moulton Parish Council that sets out the summary of their complaint. Moulton Parish Council will provide assistance, if required. The Chairman will, within five working days of receiving the complaint shall convene an appropriate hearing to address an admissible complaint, under a designated chairman (either themselves or a nominated councillor).

This hearing will be held either at a convened meeting or a full council meeting, and will be scheduled when the Chairman of the Hearing (hereafter Hearing Chairman) is satisfied that an appropriate level of investigation by the Parish Council has occurred.

The complainant must receive the hearing invitation and a copy of this procedure. Both parties should exchange copies of documentation and evidence that will be called upon in the meeting at least five working days in advance. It is at the discretion of the Hearing Chairman if any evidence not exchanged can be subsequently used during the complaint.

Complaint Hearing

The Hearing Chairman should introduce everyone, explain the procedure, provide an outline of the complaint and a list of the exchanged documentation.

The complainant, and their representative should outline the grounds for complaint, before any questions from the Council Representative and then from members if present. The Council Representative should explain Moulton Parish Council's position before any questions from the complainant, and from members if present.

The complainant and the Council Representative summarise their position, and then leave the room while members decide whether or not the grounds for the complaint have been made. If the decision is unlikely to be finalised on that day an estimated date will be given.

Hearing Decision

The decision should be confirmed in writing to the parish council and the complainant by the Hearing Chairman within five working days of the decision, with reasons for the decision and with details of any action to be taken. There are three possible outcomes:

- Complaint upheld
The panel found the complaint against Moulton Parish Council to be justified and fully upheld. The documented action should set out a fair and appropriate remedy, and measures for the Council to take.
- Complaint partially upheld
The panel found the complaint against Moulton Parish Council to be partially justified and there were faults with the actions of the parish council. The documented action should set out a fair and appropriate remedy, and measures for the Council to take.
- Complaint dismissed
The panel found the complaint against Moulton Parish Council to not be justified and there were no significant faults with the actions of the parish council.

The result of the proceedings should be reported at the next council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

Appeals

If the complainant does not agree with the decision made, they are entitled to appeal the decision within ten working days of receipt of the result of the proceedings. The councillors nominated to handle the appeal should, within fifteen working days of receiving the appeal, examine the way in which the council addressed the complaint.

If procedures were correctly handled by the council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for reconsideration. The complainant should be notified of the result of the appeals process within ten working days.

Inadmissible complaints

The Chairman of the council may rule that a complaint is inadmissible because Moulton Parish Council is not able to investigate the complaint, or is responsible for the behaviour outlined in the complaint, or the complainant is behaving unreasonably. Complainants must not impede the investigation of the complaint, make vexatious and repeated complaints, or be offensive, abusive or threatening.

Responsibilities of the Hearing Chairman

The Hearing Chairman must:

- Listen to the complaint with an open mind.
- Assure the complainant of confidentiality with personal details
- Carefully explain what action the council has taken within its remit to resolve the complaint
- Offer any relevant support about the complaints procedure to the complainant
- Suggest complaint routes available if complaint is outside the council's remit
- If required, explain how the complainant's actions are of concern and are hampering the complaints procedure
- Explain what actions the council may take