

COMPLAINTS POLICY Adopted August 2017 Review due 2018

1 Types of complaints and procedures for their resolution

- i) Where a complaint is made about a Trustee of the Charity the complainant will be given the contact details of the Monitoring Officer for Ryedale District from whom advice over the procedure to be followed would be given, if the complaint falls within his jurisdiction. The member, as a matter of courtesy, will be informed that a complaint has been made about him or her.
- ii) Where the complaint is about an employee of the Charity, the matter will be dealt with by the Charity. If, following the outcome of the complaint, the Charity decides that there may be a need to take disciplinary action, this should be in accordance with its internal disciplinary procedure.
- iii) Where a complaint is made about Trustee decision making, administration and procedures, either the Trustee will itself deal with the complaint or appoint a committee to deal with it. The committee will be composed of two members and the chairman.
- iv) The committee will have full power to deal with the complaint but will report its findings at the next meeting of the Trustee.
The Trustee, prior to deciding whether it is to deal with the complaint or refer it to a committee, will determine the role of the town clerk, i.e. is s/he to represent the position of the Trustee or advise the Trustee or, if appointed, the committee, it being understood that s/he cannot do both. Should s/he represent the position of the Trustee and it is decided that advice might be needed, then the chairman, on behalf of the Trustee, will contact Yorkshire Local Councils Associations.
- v) Where a complaint is made about a Charity contractor or the people in his employment or the implementation of a contract, the town clerk, will deal with the complaint and report his or her decision to the Trustee or, if s/he thinks the complaint needs to be dealt with by the Trustee, draft a report and take it to the next meeting of the Trustee.

2 Procedure for dealing with complaints about Trustee administration, decision making and procedures

i) Before the meeting

- a) The complainant should be asked
 - to put the complaint about the Trustee's decision-making, procedures or administration in writing to the town clerk;
 - to confirm if he or she wants the complaint to be treated confidentially; however, the complainant will be informed that
 1. where a complaint is about the actions of an employee of the Charity or the Council acting as Sole Trustee, the complaint will be treated as confidential;
 2. in all other complaints that are acceptable under the Charity's complaints procedure, the complainant will be given the option to waive confidentiality but where the Trustee is of the reasonable opinion that consideration of the complaint will contravene the Data Protection Act 1998 the complaint will be dealt with by way of a confidential process irrespective of this request.
- b) If the complainant does not wish to put the complaint to the town clerk, he or she will be advised to put it to the chairman.

¹ NACL LTN 9E June 2014

- c) The town clerk (or Helmsley Town Council chairman) shall acknowledge the complaint within seven days of its receipt, and advise the complainant when the matter will be considered, in the first instance by the Trustee who may appoint a committee to deal with it.

The complainant to be informed that the Trustee will make every attempt to determine the complaint within twelve weeks of its receipt.

- d) The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- e) Seven clear working days prior to the meeting, the complainant shall provide the Trustee with copies of any documentation or other evidence, which he or she wishes to refer to at the meeting. The Trustee shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

ii) **At the meeting**

- a) Where the Trustee is of the reasonable opinion that consideration of the complaint will contravene the Data Protection Act 1998 the complaint will be dealt with by way of a confidential process; however, any decision on a complaint shall be announced at the meeting in public. If a committee deals with the complaint, the committee will report its decision publicly at the next meeting of the Trustee.
- b) Chairman to introduce everyone.
- c) Chairman to explain procedure.
- d) Complainant (or representative) to outline grounds for complaint.
- e) Members to ask any question of the complainant.
- f) If relevant, the town clerk to explain the Trustee's position.
- g) Members to ask any question of the town clerk.
- h) The town clerk and complainant to be offered opportunity of last word (in this order).
- i) The town clerk and the complainant to be asked to leave the room while members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
- j) The town clerk and complainant return to hear decision, or to be advised when decision will be made.
- k) Where the complaint is against an employee of the Trustee, the employee will respond to the allegation and, following the response, members will have the opportunity to question him or her.

iii) **After the meeting**

The decision confirmed in writing within seven working days together with details of any action to be taken or, if a committee deals with the complaint, the day following the next meeting of the Trustee.

3 **Procedure for dealing with complaints about a Charity contractor or, if relevant, the people in his/her employment or the implementation of a contract**

- i) The town clerk to establish the seriousness of the complaint to determine whether
 - to deal with it himself/herself without reference to the contractor or involve the contractor,
 - it should be referred to the Trustee at its next meeting.
- ii) Where the issue is deemed to warrant discussion with the contractor the town clerk will ensure that the he or she has the opportunity to respond fully to the complaint and, if it is deemed appropriate, to meet the complainant with the town clerk in attendance. Otherwise the town clerk will contact the complainant and bring the matter to a conclusion.
- iii) Where the issue requires the Trustee's involvement, the town clerk will draft a report for the Trustee's consideration and the Trustee itself will determine how to proceed.