

# All Saints Parish Council

## Complaints Policy

Adopted by Resolution of the Council as per minute entry  
AM20/19d) on 13<sup>th</sup> May 2019

### Introduction and General Principles

All Saints Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area, or simply those who are just visiting the parish. If anyone is dissatisfied with the standard of service received from this Council, or are unhappy about an action or lack of action by the Council, its Officers and its Members, this Complaints Policy sets out how a complaint can be made and how we shall try to resolve that complaint.

All Saints Parish Council has adopted this Complaints Policy for considering complaints either made directly by complainants or referred back to the Council from other bodies to whom they have been made. This Policy follows the best practice code issued by the National Association of Local Councils (NALC).

***Please note that the appropriate method for influencing Council decision-making is by presenting any information, or making representations, that may assist the Council in making a particular decision before the Council debates and votes on the matter at a properly convened meeting of the Council.***

***This may be done by writing to the Council in advance of the meeting at which the item is to be discussed.***

***There may also be the opportunity to raise concerns in the public participation section of Council meetings which are clearly indicated on the meeting agendas. Please note that the Council will not re-open issues for six months from the date of the decision, except as set out below.***

It should be noted that this Complaints Policy does not apply to complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. Complaints of this nature should be made in accordance with the adopted All Saints Parish Council Disciplinary, Dismissal and Grievance Policy.

There are a number of ways in which the Council will deal with a complaint, depending on what the complaint relates to. This Policy only applies to complaints received by the Council in writing <sup>1</sup>.

All complaints received must include the full name and correspondence address of the complainant (telephone number and email address would be advantageous).

If the complaint is received verbally by the Clerk or a Councillor, wherever possible, they will try to satisfy the complainant immediately.

Where this is not possible, the complainant will be asked to put the complaint in writing so it can be dealt with under this formal, published complaints policy.

The Clerk to the Council (or Chairman or Vice Chairman as appropriate) shall maintain a detailed register of all correspondence, telephone calls, meetings and action taken relating to the complaint.

## **Conduct of Members**

Complaints relating to the conduct of members shall immediately be referred to East Devon District Council's (EDDC) Monitoring Officer and shall not be dealt with under the Parish Council's Complaints Policy (see EDDC contact details at the end of this document).

## **Financial Irregularity**

When a complaint relates to a financial irregularity within the Council, local electors will be informed that they have a statutory right to object to the Council's internal and external audit of accounts (and Annual Return) pursuant to the Local Audit and Accountability Act 2014 regulations and The Accounts and Audit Regulations 2015.

## **Criminal Matters**

Complaints relating to criminal activity of any Members or Officers of the Council should immediately be referred to the Police.

## **Complaints regarding the Clerk**

Any complaint regarding the conduct of the Clerk to the Council (or Proper Officer, or RFO) shall be considered by a sub-committee comprising the Chairman of the Council, the Vice- Chairman of the Council and one other Member of the Council who shall be nominated and approved by the full Parish Council for that purpose at the Annual General meeting or at any meeting convened thereafter.

The complaint must be made in writing and will follow the process for complaints regarding the Council's policy's, administration and decision-making procedure as outlined below, except once a decision is reached it will be final.

In all circumstances, a complaint against the Clerk will warrant the exclusion of the public and press at a meeting of the Council whilst the matter is being considered, aside from the complainant themselves.

The complainant shall be given the opportunity to speak during the Meeting. The complainant should then outline the grounds for complaint and thereafter may be asked questions by Members and the Clerk to the Council and be asked to produce any documentary evidence to support or corroborate the complaint.

The Clerk to the Council will be given an opportunity to speak and questions may be asked by the complainant or Members.

The Clerk to the Council and the complainant will then be asked to leave the room whilst sub-committee members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

The Clerk to the Council and the complainant shall be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is to be communicated to them.

The decision, and any further action to be taken, shall be confirmed in writing to the complainant and to the Clerk within 10 working days from the date of the sub-committee meeting.

Any decision on a complaint shall be announced at the next Ordinary Parish Council Meeting, in public, by way of a suitably worded agenda item to be minuted. Furthermore, a copy of the decision will be placed on the Council's website and on the Parish Council noticeboard

**Complaints regarding the Council's Policies, its administrative function or procedures and its statutory decision-making procedures.**

Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will (in normal circumstances) acknowledge your complaint within seven working days in writing.

The Clerk will investigate each complaint, obtaining further information as necessary from you and / or members of the Council / Outside agencies.

If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.

The Clerk to the Council or Chairman of the Council shall report to the next meeting of the full Parish Council any written complaint that has been resolved by direct action with the complainant received up to 10 working days prior to that meeting, or at the following meeting if it is received within the 10 day period referred to above.

Where the complaint cannot be satisfied in this way, it shall be referred to the next full Parish Council meeting for consideration by the Council. A specific agenda item will be included for the meeting for members to consider and make a decision on the complaint.

If more information, or more time, is required because of the complexity of the complaint, or information cannot be gathered in time for the next meeting, the complainant will be notified in writing. All supporting information from the complainant e.g. documents, must be with the Clerk prior to 10 working days before the meeting.

The complainant will be advised of the date of the meeting to which the complaint will be referred. The complainant is welcome to attend and there may be the opportunity to speak during the public participation section of the meeting.

When the meeting has been reconvened, as per the adopted Standing Orders, the Parish Council shall decide whether the circumstances and nature of the complaint warrant the exclusion of the public and press whilst the matter is being considered. This action requires a formal resolution of the Council at that time.

The identity of the complainant will be only be made known to those who need to consider the complaint. However, the content, nature and result of the complaint will still be included in the public minutes of that meeting.

The Parish Council shall consider the complaint at the meeting and shall, whenever possible, make a decision at that meeting on whether to take further action or not regarding the complaint.

If a complaint cannot be decided at that Parish Council meeting, the complainant shall be kept informed of the Parish Council's actions and any progress that has been made.

The Clerk or the Chairman of the Council will notify the complainant within 20 working days of the outcome of their complaint and of what action (if any) the Council proposes to take as a result of the complaint. (In exceptional cases the twenty working days timescale may have to be extended. If this extension is necessary, the complainant will be kept informed and will be advised of the reasons for the extension).

### **What if the complainant is not happy with the outcome?**

All Saints Parish Council will do its utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council on all matters regarding the Council's Policy's, administration and decision-making procedure.

If the complainant is not satisfied with the response to their complaint, they usually do not have any opportunity to refer their complaint to any other body for settlement as Parish Councils are not subject to the jurisdiction of the Local Ombudsman, and there is no independent body to which the complainant can turn for an independent formal assessment of the position.

However, All Saints Parish Council may allow complainants to ask for the Council to consider the complaint again. This re-consideration is at the full discretion of the Chairman of the Council (or the Vice-Chairman if the Chairman is unavailable).

This request must be made in writing, and must give reasons as to why the matter should be reconsidered.

The Council may consider this request at the next full meeting, or the one after if the request is received within 10 working days of the scheduled date of the next meeting.

If the Council agrees to hear the complaint on this basis, the complainant will be notified within 10 days from the date of that meeting with details of the subsequent meeting when it will be considered, which will usually be the next meeting of the Parish Council.

The complainant shall be invited to attend the meeting at which the complaint will be considered and shall be informed that they may bring a representative to support them if they so wish.

If new information (which was not made available during the initial investigation into the complaint) is to be provided for this meeting, during the 10 clear working days prior to the meeting.

The complainant shall provide the Clerk (or Chairman or Vice Chairman as appropriate) with copies of any new documentation or other evidence upon which he or she shall produce and / or refer to at that meeting. Should the complainant not make such documentation available to the Clerk or Chairman or Vice-Chairman within this specified period, the documentation shall not be referred to during the meeting.

Similarly, the Parish Council (via the Clerk) shall, if requested within 10 working days from the date of the meeting, provide the complainant with any documentation upon which they shall rely at the meeting as promptly as reasonable, allowing the complainant the opportunity to read the material prior to the meeting. This documentation shall be collected from the Clerk at a mutually agreed time and place, or conveyed electronically to the complainants designated email address.

As stated previously, this consideration of the complaint may take place in a public meeting which may or may not be held with the press and public in attendance.

The complainant (and representative if applicable) will be able to ask the Council questions, and the Council members (via the Chairman of the meeting) will be able to seek clarifications from the complainant and representative. If the matter is heard with the public and press excluded, the complainant and their representative will be asked to leave the meeting whilst a formal decision is taken.

Following the meeting, the complainant will be notified in writing of the outcome of the review of the original complaint within 10 working days from the meeting, and the result will be reported in the minutes at the next meeting of the full Council. Furthermore, a copy of the decision will be placed on the Council's website and on the Parish Council noticeboard

**Note 1;**

***In exceptional circumstances where a written submission cannot be made for reasons accepted by Council, the Council will consider receiving a complaint which is not made in writing, at its discretion in order to conform to relevant legislation on inclusivity, disability and equality.***

## **Contacts**

### **Clerk:**

Paul Hayward

Plumtree, Old North Street, Axminster, EX13 5QF

077 11 92 92 27

[clerk@aspc.org.uk](mailto:clerk@aspc.org.uk)

### **Chairman:**

Cllr. Alistair Forbes

All Saints House, Goldsmiths Lane, All Saints, Axminster, EX13 7LR

01297 32183

[ponsonbyforbes@gmail.com](mailto:ponsonbyforbes@gmail.com)

### **Vice-Chairman:**

Cllr. Robert Speed

01297 33330

### **Other Members:**

Cllr. Jacqui Hubbard 01297 33542

Cllr. Peter Barrett 01297 35537

Cllr. Andrew Lightfoot 07970 915726

### **East Devon District Council Monitoring Officer (for Code of Conduct complaints)**

01395 517408

Email – via

[wharris@eastdevon.gov.uk](mailto:wharris@eastdevon.gov.uk)

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