

Exminster Parish Council

COMPLAINTS PROCEDURE

Introduction

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council. The complaint may relate to an action taken, or a service provided by the Council itself or a person or body acting on behalf of the Council.

This procedure does not apply to:

- Complaints about the conduct of a Member of Exminster Parish Council. Complainants should be referred to the Standards Committee of Teignbridge District Council.
- Complaints about the conduct of Exminster Parish Council employees. These will be dealt with under the Council's internal disciplinary procedures. Complaints against staff are taken very seriously, but it will not usually be possible to keep a Complainant informed of the detailed progress of an investigation or to advise them of the specific outcome of any disciplinary action taken because of privacy constraints. They will be advised, however, that action has been taken to resolve the complaint.
- Anonymous complaints will not be dealt with under this Complaint Procedure.

Receipt of Complaint

If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint. The Complainant will be asked to put the complaint in writing to the Clerk to the Council and provide the following:

1. Full name, address, contact telephone & email (if available), and how they would prefer to be contacted.
2. An outline of the concern or complaint about the service or aspect of administration provided by Exminster Parish Council.
3. Copies of any documentation or other evidence to support of the complaint.
4. Whether they would like to remain anonymous during the process so that their name does not appear in any publicly available documents.

If the Complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk or other Officers of the Council, for example), he or she should be advised to write to the Chair of the Parish Council. If the matters relate to the Clerk to the Council, the Clerk will be formally advised of the matter and given an opportunity to comment.

The complaint will be acknowledged within 7 working days of receipt.

Stages of Handling a Complaint

There are three stages of handling a complaint with resolution possible at each stage

Stage 1 - Informal Resolution

Stage 2 – Formal Parish Council Committee to hear the complaint

Stage 3 – Formal Parish Council Committee to hear an Appeal

Stage 1 - Informal Resolution

On receipt of a complaint, the Clerk to the Council or Chair of Council will seek to resolve the complaint informally with the complainant.

This may be done on the telephone, by email or, at the discretion of the Chair or Clerk as appropriate, at a face to face meeting. Two members of the Council/officers are always to attend face to face meetings.

It may be possible to deal with a complaint based on any paper evidence provided. If investigations confirm that the complaint has substance, then the Complainant will be informed of any decision and any remedial action that will be taken.

The Clerk to the Council will report any complaint resolved at this stage to the next meeting of the Parish Council.

Stage 2 – Parish Council Committee to hear the complaint

The Clerk to the Council (or Chair) will report any complaint that has not been resolved at Stage 1 above, to the next meeting of the Council outlining the nature of the complaint but not disclosing the identity of the Complainant.

1. The Parish Council will appoint a Complaints Committee to hear the complaint. The Committee will consist of at least three members including the Chair or Vice-Chair of the Parish Council, if appropriate.
2. The Council shall consider whether the circumstances of the complaint warrant the exclusion of the public and press pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 either
 - a) by reason of the confidential nature of the business, or
 - b) the Complainant has requested anonymity.
3. The Clerk will notify the Complainant of the date of the meeting whereby they will have the opportunity to explain the complaint to the Committee in person. The Complainant will be offered up to two dates to attend the Complaints Committee meeting, if they are unable to attend, the complaint will be heard in their absence.
4. The Complainant will be offered the opportunity to bring a representative for support, however that person will not be allowed to speak on their behalf.

The procedure for the Complaints Committee meeting is:

- The Chairman of the Committee will introduce everyone and explain the procedure for the meeting.
- The Complainant will outline the grounds for their complaint
- If relevant, the Clerk or Chairman will explain the Council's position.
- Members may ask any questions of the Complainant.
- The Complainant will be asked to withdraw from the Committee meeting.
- The Committee will discuss the validity of the complaint.
- The Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered, and the complaint will then be dealt with at a further meeting.

The Decision

1. As soon as possible after the decision has been made the Complainant will be notified in writing and if appropriate, their right to appeal.
2. The decision on a complaint shall be announced at the next Full Council meeting. The Council shall consider at that time whether the circumstances of the case warrant the exclusion of the public and press pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 by reason of the confidential nature of the business to be transacted.
3. If appropriate, the Council will consider any recommendations for remedial action to be taken and the complainant will be notified accordingly.

Stage 3 –Parish Council Committee to hear an Appeal

If the Complainant does not agree with the decision, they will be entitled to appeal the decision within fourteen days of receipt of the result of the proceedings. An appeal will only be allowed on the grounds that the correct procedure was not followed and as a consequence it materially affected the case, or new information not available at the time of the original Complaint Committee Meeting, has come to light.

1. The Chair or Vice-Chair and one other member (who neither must have heard the original complaint), and the Clerk will meet to examine the way in which the Council dealt with the complaint, and to decide if a recommendation should be made to the Council for the Complaint to be re-heard.
2. The Clerk to the Council will report to the next Parish Council Meeting that an Appeal has been received, considered and if any recommendations are made.
3. If resolved to hear the complaint again, the Parish Council will appoint a Complaints Committee to hear the Appeal. The Committee will consist of at least three members (who must not have heard the original complaint) including the Chair or Vice-Chair of the Parish Council, if appropriate
4. If resolved not to hear the appeal, then the Complainant will be told that their appeal is not successful.
5. The Complaints Committee will meet within twenty-one days of receiving the appeal or as soon as practically possible and examine the way in which the council dealt with the complaint.
6. The procedure for the Complaints Committee meeting is the same as that at Stage 2 above
7. The Appellant will be notified of the result of the appeals process within fourteen days from the date of it being considered.
8. The decision on the Appeal shall be announced at the next Full Council meeting. The Council shall consider at that time whether the circumstances of the case warrant the exclusion of the public and press pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 by reason of the confidential nature of the business to be transacted

Habitual or Vexatious Complaints

Where complainants have been identified as habitual or vexatious, the Clerk in consultation with the Chairman will, as appropriate, take one or more of the following courses of action:

- The Complainant will be notified in writing why their complaint has been classified as vexatious. The Complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.
- The Complainant will be notified, in writing, that the Council has previously responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The Complainant will also be notified that the correspondence is at an end, advising the Complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
- The Council will decline further contact with the Complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.
- The Complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
- The Council will suspend all contact with the complainant in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency, such as the Local Government ombudsman or External Auditor.
- The Complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further.