

Exminster Parish Council

COMPLAINTS PROCEDURE

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council's action or lack of action or about the standard of a service delivered by the 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.

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council. These should be dealt with by the Standards Committee at Teignbridge District Council.
3. Complaints about the conduct of Council employees will be dealt with under the Council's internal disciplinary procedures.
4. 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.
5. The complainant will be asked to put the complaint in writing to the Clerk to the Council. The complaint will be acknowledged within 7 working days of receipt.
6. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example), he or she should be advised to write to the Chair.
7. On receipt of a complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
8. Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
9. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
10. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council whereby the formal procedure for dealing with complaints will be followed. The complaint will be referred to the Complaints Committee whose members will be selected as and when required from members of the Parish Council as per the Terms of Reference for the Complaints

Committee. The Clerk will notify the complainant of the date on which the complaint will be considered when the complainant will be offered an opportunity to explain the complaint to the Council in person.

Not later than seven clear working days prior to the meeting, the complainant and the council will exchange copies of any documentation or other evidence to be relied on.

11. The Committee may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the following Council meeting in public.
12. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
13. 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 dealt with at the next meeting after the advice has been received.
14. Appeals
 - Should the complainant not agree with the decision they will be entitled to appeal the decision within fourteen days of receipt of the result of the proceedings.
 - The councillors nominated to handle the appeal will, within twenty-one days of receiving the appeal, examine the way in which the council dealt with the complaint.
 - If procedures were correctly handled by the Council then the appellant will be notified that the appeal has not been successful. If the complaint was not handled correctly it will be referred back for consideration
 - The appellant will be notified of the result of the appeals process within fourteen days.
15. 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 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 Clerk and the Chairman of the Council will invite the complainant to meet with them to discuss the matter.
- 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.