

EDGCOTT PARISH COUNCIL

Complaints Procedure 03



Adopted: 21 April 2021

All correspondence to the Parish Clerk at: edgcottparishclerk@gmail.com Tel: 01296 770568 Website:
<http://www.edgcottparishcouncil.co.uk>

I PURPOSE

Pursuant to section 27 of the Localism Act 2011, Edgcott Parish Council ('the Council') has adopted this Policy to consistently and transparently deal with complaints received from residents or other stakeholders in the Parish.

This Policy describes how Edgcott Parish Council will manage and conduct its administrative arrangements in relation to the requirements of the relevant legislation such as to regulate the efficient and timely compliance with relevant statutory obligations and to deliver its duties in regard to the expectations of the residents of the Parish. It lays out how Councillors and council employees are expected to abide by these requirements.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

The Council has made every effort to ensure this Policy is consistent with other Council Policies where relevant.

NOTES:

- Where the word "councillor" is used, unless the context suggests otherwise, the meaning is intended to include non-councillors, with or without voting rights, and council employees.
- A 'co-opted member' is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A 'meeting' is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- Where gender specific wording is used, meaning is intended to be gender neutral.

II SCOPE

This procedure will be used for dealing with complaints from residents about the behaviour of Councillors, staff or the delivery or administration of its activities and obligations.

- No anonymous complaint will be entertained.
- Should a complaint be from a member of the public who is not a resident, the Council may confine any response to an acknowledgement.
- Should a complaint be from a legally constituted Authority, the Council may decide to address it by special measures as it sees fit.
- Should a complaint be about the conduct of a Member of the Parish Council, the complaint should be addressed to the Clerk in the first instance for the Chair to consider who best to handle the complaint.
- Should a complaint be about the conduct of the Chair of the Parish Council, the complainant should be advised to write to the Deputy Chair directly on the Deputy Chair's council email.
- Should a complaint be about the conduct of a council employee or for any other reason the complainant prefers not to put the complaint to the Parish Clerk, the complainant should be advised to write to the Chair directly on the Chair's council email.

III PROCEDURE

1. On responding to a complaint, all complainants will be advised of their rights regarding the Council's use of their personal data under relevant Data Protection legislation.
2. Unless resolved informally as below, all complaints will be addressed by full Council, or relevant Committee, as appropriate, for consideration.
3. If a complaint is notified orally to the Clerk or to a Councillor, the recipient will make a written record of the complaint, noting the name and contact details of the complainant and the nature of the complaint. The complainant will also be asked to put the complaint in writing to the Clerk using the council's email address. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but the complainant should be advised it may lead to delay and confusion.
4. If the complaint cannot be dealt with within 14 days of receipt, it will be put to the next Council meeting.
5. On receipt of a written complaint, the Clerk to the Council or other recipient (if the complaint relates to the Clerk), will circulate it to all council members without delay.
6. Any complaint involving a council employee, Member, another individual or organisation will not be considered without first notifying that person or organisation, formally and in writing, to allow them an opportunity to comment. Every effort will be made to resolve the complaint at this stage.
7. Where the Clerk to the Council or a Councillor, acting on behalf of the Council, receives a complaint about their actions, the complaint will be forwarded to the Chair of Council without reply, comment or delay.
8. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant at the next meeting of the Council and, if regarding an employee, the Chair of the Personnel Committee.
9. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered, and the complainant will be offered an opportunity to provide further detail and background of the complaint directly to full Council in person.
10. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take, place should be dealt with in accordance with the Council's grievance and disciplinary procedures.
11. The Council 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 next available Council meeting in public.
12. The Council may consider whether the circumstances of any particular complaint are such as to grant a, without liability, payment or provide other reasonable compensation to any person who has suffered loss

as a result of the Council's maladministration. Any payment **must** be authorised by full Council after obtaining legal advice and any other advice deemed appropriate on the legality and precedent for making such a payment.

13. 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.
14. The Council may defer dealing with any complaint if it is of the opinion that the complaint is vexatious, or issues may arise on which further advice is necessary. The complainant will be so advised with reasons and the complaint dealt with at the next meeting for due consideration.
15. The complainant will be advised of any decision and actions made by council in regard to how the complaint has been resolved no later than 7 days after the meeting arriving at the resolution.