Woodbury Parish Council

(serving Exton, Woodbury and Woodbury Salterton)

COMPLAINTS PROCEDURE

Introduction:

Woodbury Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to ensure that all complaints are investigated promptly, in an impartial manner and to find a solution which is satisfactory to both the complainant and the Council.

Definition of a Complaint:

Woodbury Parish Council will be able to deal with a complaint if it is about procedures, administration or the actions of any of the Council's employees or about the standard of a service provided by the council itself or a person or body acting on behalf of the council.

It cannot deal with all complaints under this procedure as some will be outside our remit.

The Council receives queries and comments sometimes negative as part of its day to day running and these comments will not be treated as a formal complaint, but will be addressed as soon as possible.

All complaints will be deemed informal unless a written complaint states it is formal and the complainants' details must be included, otherwise it will be disregarded.

Complaints about a policy decision made by the Council will be referred back to the Council or Staffing, Finance & Policy Committee for consideration.

Where such complaints are outside the remit of this procedure the following procedures/bodies should be engaged with to report/resolve the complaint:

Type of Conduct	Refer to
Financial irregularity	Complaints about financial irregularity should be referred to the Councils auditor, the name and address of whom may be obtained from the Clerk *(Local electors' right to object Local Audit and Accountability Act 2014 Sections 26 & 27 The Accounts and Audit Regulations 2015 (SI 2015/234)*
Criminal activity	The Police

Councillor/Member conduct Woodbury Parish Council have adopted a Code of Conduct which can be viewed on the Parish Councils website, https://woodburyparishcouncil.gov.uk/wp-content/uploads/2022/06/Code-of-Conduct.pdf	Members of Parish Council sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to: The Monitoring Officer, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ
Employee Conduct	The Council has an Internal disciplinary and grievance policy with a procedure to deal with complaints against an employee. Complaints concerning a member of staff should be made in writing to the Clerk. If the complaint concerns the Clerk, the complaint should be made in writing to the Chair of Woodbury Parish Council. All complaints relating to employees will first be received by the Staffing, Finance & Policy Committee.

Informal Complaints:

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example) they should be advised to write to the Chairman of the Parish Council.

If a complaint is made to a Councillor, it is their duty to notify the Clerk or the Chairman of the Parish Council immediately to avoid any delay in dealing with the complaint.

The Clerk or the Chairman will communicate directly to the complainant and will attempt to resolve the matter and to ensure that the complainant feels satisfied that their complaint has been fully considered, taken seriously and acted upon accordingly.

If the Clerk or the Chairman cannot satisfy a complaint in an informal way, the complainant will be invited to escalate the matter to a formal complaint.

Formal Complaints:

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chairman of the Parish Council.

The letter should contain:

- Name, address and telephone number of the complainant
- Details of the complaint about the Council's procedures or administration
- How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes will resolve their complaint

The Clerk/Chairman will acknowledge receipt of the complaint within five working days and will advise the complainant when the matter will be considered by the appropriate Committee or Council.

The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

Any documents not already supplied must be sent to the Clerk seven clear working days before the meeting. The Council shall provide the complainant with copies of any documentation upon which they wish to refer to at the meeting within the same timescale.

At the meeting:

The appropriate Committee / Council shall consider whether the circumstances of the complaint warrant the exclusion of the public and press.

The Chairman will introduce everyone and explain the procedure. The complainant (or their representative) will outline the grounds for complaint. Councillors will ask questions of the complainant or their representative.

The Chairman will summarise the Council's position and then offer the opportunity to the Complainant of their representative to summarise their position.

The complainant will be asked to leave the room (unless the meeting is open to the public) while Councillors decide whether the grounds for the complaint have been met. It may be appropriate in some circumstances for the Clerk to withdraw from the meeting whilst Councillors reach a decision.

If any points of clarification are required, all parties will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

All parties will re-join the meeting to be advised of the decision of the Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give the decision at the meeting and then the detailed reasons for the decision will follow in the decision letter.

After the Meeting:

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

Complaints relating to the Clerk:

These will be dealt with by the Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Council are entitled. The complainant will be informed of action taken.

Unreasonable and Vexatious Complaints:

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should, or has been taken. These matters will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken and will inform the complainant making it clear that only new and substantive issues will merit a response.

What to do if you are still not satisfied?

The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.

This Policy was approved on Monday 22nd May 2023 and will be reviewed annually.