

Complaints Policy and Procedure

Adopted by the Council on Monday 14th September 2015 (Minute 15.116)

Amended 6 October 2020 (Minute 20.93(d))

Reviewed and adopted by Modbury Parish Council 4th May 2021

1. Introduction

Modbury Parish Council provides many services to community groups, sports teams, companies and individuals. We try to get our service delivery right every time, but there are occasions when users of our services may be dissatisfied with our performance for any number of reasons. This policy sets out how to raise a complaint with the Parish Council.

2. Informal Complaint

It is hoped that most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, email or a visit to the Council office. The complaint will be handled by the clerk who will keep the Chair and Vice-chair informed of the handling of the complaint and its resolution.

Complaints should always be directed through the clerk, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach has not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

3. Formal Complaint

The Clerk to the Council is responsible for managing the formal complaints process. The Clerk is the senior officer of the Council, effectively its General Manager. If a formal complaint is being raised against the Clerk, then the process as detailed should be followed, but the Chair of the Council should be informed instead of the Clerk.

A formal complaint can only be submitted in writing to the office. It should be addressed to the Clerk, marked "Confidential – Formal Complaint", this will ensure the matter is handled by the Clerk's nominated deputy, should the Clerk be away. The Council encourages contact by email and telephone, but as a formal complaint is a serious matter will only accept these in writing.

The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Clerk will acknowledge receipt of the complaint within four working days.

The Clerk will carry out an initial investigation into the complaint and will, within ten working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed.

The Clerk will report to the Council summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainant.

The Council will not re-open issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the appropriate process is followed

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the Council's Review Panel.

4. Review Panel

The Review Panel is a Committee of the Parish Council. The panel will be constituted of six members to ensure that three members of the committee are available, at short notice, to review a complaint. The Review Panel has delegated authority from the Parish Council to review and decide on complaints.

Three members will review a complaint; this will ensure the panel is quorate and that the number of members present is not excessive.

The panel is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Parish Council's Standing Orders. Arrangements for minute taking will be reviewed when a Review Panel meeting is called.

It is expected that the Review Panel will be able to meet within seven working days of being notified by the Clerk.

5. Prior to the Meeting

Seven clear working days before the Review Panel meeting the complainant will provide the Parish Council with copies of all documentation, or other evidence (such as photographs) that they intend to introduce to the Review Panel meeting. The Parish Council will provide the same to the complainant.

6. At the Meeting

The Review Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Council carries out its business in public - matters that involve individual identified members of staff may require the exclusion of the press and public.

The Chairman of the Review Panel shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.

The complainant (or representative) shall be invited to outline the grounds for complaint and panel members given the opportunity to ask any question of the complainant. If relevant, the Clerk will explain the Council's position and panel members shall ask any questions.

The complainant is to be offered the opportunity of a last word as a means of summing up their position.

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The Clerk and complainant shall be asked to leave the room while panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

The announcement of any decision will be made in public, at the next Council meeting.

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7. Timings

The Parish Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, or the absence of a member of staff who is involved in the complaint, may mean that the timings have to vary. Should this occur then the complainant will be kept advised of the revised timescales.

8. Parish Council Clerk

A formal complaint is a serious matter. A complaint involving the clerk could result in disciplinary action; or in cases of gross misconduct, dismissal from the Council's employment.

The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against the clerk. This is expressly to protect the employment rights to which all local authority employees are entitled.

9. Complaints against Councillors

This policy does not cover complaints against an individual Councillor.

A complaint about a Parish Councillor should be addressed to:

The Monitoring Officer, South Hams District Council, Follaton House, Plymouth Road, Totnes Devon. TQ9 5NE

The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. It will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct. Further information is available from the South Hams District Council website.

<https://www.southhams.gov.uk/article/3184/Standards-Complaints>

10. Anonymity

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.