

BISHOPSTEIGNTON PARISH COUNCIL

Complaints Procedure

Preamble

A formal complaints procedure is necessary to support the efficient and effective workings of the Parish Council particularly as the Local Government Ombudsman has no jurisdiction in this area. This needs to be accessible, transparent and reasonable in application.

These procedures cover routine complaints including on rare occasions those that may be described as habitual and vexatious. Habitual or vexatious complaints are defined as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued.

Some types of complaint will be handled outside of these procedures: Financial irregularity will be handled by the Council's own auditor / Audit Commission; Criminal activity by the police; Member conduct by the Standards Committee of the principal Authority, Teignbridge District Council; Employee conduct by internal disciplinary procedure.

Depending on the nature of the complaint, and to some extent the person who is making it, there may be an occasion when the issue cannot be resolved and the complainant wishes to take the matter further. These will include complaints concerning the following:

- Where someone feels very strongly that a decision of the Parish Council was unlawful, they may apply to the courts for a judicial review of the Council's decision.
- An employee complaint with or without going through the grievance procedure or a whistle-blowing route which goes to an employment tribunal or the courts (such as a personal injury claim).
- An accusation of financial wrongdoing, where a complaint may be made to the Council's external auditor. Aside from referring to another body if required, the auditor will have the power to carry out such actions as refusing to sign off the accounts or producing a public interest report.
- Breaches of the Members Code of Conduct for the council may result in an allegation being made to the Standards Board for England. It has been known that all of the members of the council have been reported to the SBE. This may be in respect of financial wrongdoing, acting on prejudicial interests, not complying with equality legislation and so on.
- Any matter that raises suspicion of criminal wrongdoing can, of course, be referred to the police.
- Where the Council carries out functions on behalf of another authority, such as litter picking under an agency agreement with a higher authority, the complaint can be referred to them. In such a situation, the ombudsman may be involved if the matter is not resolved by the principal authority.
- Finally, complaints under the Freedom of Information legislation, that the council has not released information in the manner that person believes it should have done, can be referred to the Information Commissioner.

Procedure

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council may be referred back to the Council or relevant Committee, as appropriate for consideration.

2. This procedure does not cover complaints about the conduct of a member of the Parish Council. Any complaint that a Councillor may have breached the Council's adopted code of conduct should be referred to the Monitoring Officer at Teignbridge District Council.
3. 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 of the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and nature of the complaint.
4. The complainant will be asked to put the complaint in writing to the Clerk of the Council, or if preferred to the Chairman, at Bishopsteignton Parish Council, Community Centre, Shute Hill, Bishopsteignton, TQ14 9QL. Alternatively, the use of email is acceptable which should be forwarded to bishoppcc@btconnect.com. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be dealt with.
5. On receipt of a written complaint, the Clerk to the Council, or Chairman if appropriate, 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.
6. 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 Chairman of the Parish Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
7. The Clerk to the Council (or Chairman where appropriate) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Clerk to the Council (or Chairman where appropriate) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk (or Chairman as appropriate) will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
9. 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.
10. 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 Council meeting in public.
11. The Council may consider in the circumstances of any particular complaint whether to make any "without liability" payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's action. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
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 Council 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. If the complainant seeks or continues to behave in an unreasonable and/or vexatious way the Council shall be informed and consideration given as to what action can be taken. This may include a restriction on or refusal as to any further contact with the complainant.
15. All decisions regarding complaints shall be recorded and associated correspondence held and stored appropriately in accordance with the Data Protection Act.