UFFCULME PARISH COUNCIL

POLICY FOR HANDLING COMPLAINTS REGARDING PROCEDURES OR ADMINISTRATION OF THE COUNCIL

1. Introduction

1.1. This Policy provides Uffculme Parish Council ('the Council') with a mechanism for addressing concerns raised by members of the public promptly, fairly and effectively in order for it to carry out its function of serving its community. The Council is also accountable for the proper use of public funds and must ensure that money is spent wisely and demonstrates value to the public. Examples of a complaint include:

- Failure to follow process
- Failure to follow the Council's own policy
- Significant or repeated failure to provide a service
- Failure to do what you said you would do
- Failure to respond

1.2. This Policy should be read in conjunction with the Council's Unreasonable and Unreasonably Persistent Complaints and Requests Policy.

1.3. A complaint is an expression or dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of service provided by the Council or a person or a body acting on behalf of the Council.

1.4. Complaints about Parish Councils cannot be referred to the Local Government & Social Care Ombudsman unless it is acting on behalf of another council.

2. Complaints outside the remit of this procedure

2.1. The following procedure will be adopted for dealing with complaints about the Council's administration or procedures.

2.2. It will not be possible for the Council to deal with all complaints from members of the public under this procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control.

2.3. If there is doubt about whether the complaint should be accepted, the complainant should be advised to submit the complaint to the Council for consideration. If the Council receives a complaint and decides not to accept it, the complainant will be told why and, where possible, an alternative route suggested.

2.4. 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	**Body**
Criminal activity	The Police
Councillor/Member conduct	The Council has adopted the NALC Model Code of Conduct which can be viewed on its website. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to: Monitoring Officer, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP.
Employee conduct	The Council has an internal disciplinary procedure to deal with complaints against its employees. 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 the Council.

3. Complaints about Council decisions

3.1. Complaints about a policy or decision made by the Council will be referred back to the Council or relevant committee as appropriate for consideration and not considered under this Policy.

3.2. For example, if the complainant takes issue with comment made by the Council on a planning application, this will be referred back to the Council's Planning Committee and will not be considered under the Policy. This is because the Council, in its role of parish council, is a statutory consultee; it has no powers to approve or reject planning applications and can only comment on applications. Submitting comments cannot therefore be challenged under this Policy

3.3. For complaints about the Freedom of Information Act 2000 please see the Council's Freedom of Information Act Policy, which can be found on the council's website: www.uffculmeparishcouncil.gov.uk/policies

4. Guiding principles

4.1. The Council receives queries, problems and comments as part of its day-to-day running and it is not appropriate for every comment to be treated as a formal complaint.

4.2. All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.

4.3. In the event that you are dissatisfied with the Council's procedures or administration, the Council will seek to:

- Resolve the matter at the earliest opportunity;
- Investigate the matter fairly; and
- Ensure the process is unbiased

4.4. It is the intention of this procedure that complaints are resolved as quickly and at as early a stage as possible. To achieve this, the Council asks that you submit your complaint within 12 months of the date of the incident. The Council will not accept a complaint outside of this timescale except where exceptional reasons for the delay can be demonstrated.

4.5. The Council expects that you respect the complaints process. In doing so you are required to ensure that details of your complaint remain confidential. Failure to do this could be considered an attempt to influence the outcome of your complaint and may result in the withdrawal of this procedure.

4.6. You will not be disadvantaged as a result of making a complaint. However, if it is later discovered that a complaint was frivolous, malicious or vexatious, the Council may consider referring you to its Unreasonable and Unreasonably Persistent Complaints and Requests Policy.

4.7. The Council has a responsibility to protect its Council members and staff against unacceptable behaviour and provide a working environment that is safe, respectful and tolerant. Consequently, it is expected that complainants and members of the public should act reasonably and fairly towards each other and treat the process with respect. Behaviour that is unreasonable, aggressive or abusive, verbal or written, will not be tolerated and may result in your access to the procedure or to Council members/staff connected with your complaint being limited or withdrawn. The Council may also place restrictions on your communication in line with its Unreasonable and Unreasonably Persistent Complaints and Requests Policy. If this decision is taken the Council will provide this in writing, including the reason(s) why this decision has been taken.

5. Communication, Support and Advocacy

5.1. The Council has a positive approach to complaints and will offer reasonable assistance to those who have difficulty accessing or using this Policy and provide alternative means of making a complaint when required. If the complainant has additional needs, an advocate might be helpful to both parties. Consideration should be given to offering the complainant reasonable assistance to find an independent one.

5.2. Where a third-party individual has been nominated to make or handle a complaint as the complainant's representative, the Council may first enquire about the requester's identity before communicating with the third-party individual to ensure that appropriate authority is in place and documented.
5.3. In some cases, for example children or vulnerable people, if it seems that the individual may be unable to give their consent, the Council will make a judgment as to whether it is appropriate to accept the complaint from an unconfirmed representative, write to the unconfirmed representative and keep notes of the decision making process.
5.4. The Council will correspond with the representative only unless the authority is withdrawn. Where there are unreasonable or unreasonably persistent changes in the correspondence contact, the Council may invoke its Unreasonable and Unreasonably Persistent Complaints and Requests Policy.

6. Anonymous complaints

6.1. A complaint will not be dismissed if it is submitted anonymously. A judgment will be made on a case-by-case basis whether to look into the substance of a complaint made anonymously.

7. Informal complaint

7.1. An informal complaint may be made by telephone, email, in person or in writing to the Clerk.
7.2. If you prefer not to put the complaint to the Clerk (because the matter relates to the Clerk, for example), the complaint should be sealed and addressed to The Chairman marked "Private and Confidential".
7.3. If a complaint is made to a Council member, it is their duty to notify the Clerk (or the Chairman) as soon as possible to avoid delay in dealing with the complaint.
7.4. The Clerk (or the Chairman) will communicate directly with you and will attempt to resolve the matter by considering the complaint and acting upon it.
7.5. If the Clerk (or the Chairman) cannot satisfy the complaint in an informal way, you will be invited to escalate the matter to a formal complaint.

8. Formal complaint

8.1. If you are unhappy with the Council's procedures or administration, you are encouraged to first talk with the Clerk.
8.2. If the Council has been unable to resolve the complaint informally, you should put your complaint in writing within 12 months of the Council response. The Council will not accept a complaint outside of this timescale except where exceptional reasons for the delay can be demonstrated.
8.3. You should address your formal complaint to the Clerk, stating:
- Your name, address and telephone number;
- 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 any third parties and their involvement;
- What action you believe will resolve the complaint;
- The outcome of any informal complaint raised with the Council and why you remain dissatisfied.

8.4. If you do not want to put the complaint to the Clerk (because the matter relates to the Clerk, for example), the complaint should be sealed and addressed to The Chairman of the Council marked "Private and Confidential".
8.5. You should not send your complaint to individual Council members.
8.6. The Clerk (or the Chairman of the Council) shall acknowledge the receipt of the complaint within 5 working days.

8.7. On receipt of a complaint to the Clerk, in consultation with the Chairman of the Council, will ascertain whether the complaint falls under the scope of this Policy. They will provide a response to the complainant to:

- Advise when the matter will be considered by the Complaints Committee (see below); or
- Explain that the complaint falls outside the scope of this Policy and provide reasonable assistance, where applicable, to explain the correct procedure/body to handle the complaint; and
- Provide a copy of this Policy

9. Complaints Committee Meeting Process

9.1. A Complaints Committee will be appointed from the membership of the Council. There will be a minimum membership of three Council members. No members will be appointed who have already been involved in the matter which is the subject of the complaint.

9.2. The Clerk or their substitute will advise the Complainant when the matter will be considered by the Complaints Committee established for the purposes of hearing complaints, giving at least 10 working days' notice of the Committee meeting. The Complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the committee agenda.

9.3. The Complainant will be invited to attend a meeting of the Complaints Committee and bring with them one other person for support if they wish. The supporter is there to provide moral support, to support the complainant in preparation for the meeting and to support the complainant when asking and answering questions during the meeting. The supporter may not address the meeting unless the individual has given their consent for the representative to speak on their behalf. This consent must be provided in writing before the Complaints Committee meeting.

9.4. Whilst it is a matter for the complainant to decide who is best placed to assist them with the meeting, the nature of the process is such that attendance by legal representatives is neither necessary nor encouraged.

9.5. If the Complaints Committee deem it necessary, it may require particulars of the complaint to be submitted in advance of the meeting by the complainant or the Council.

9.6. No less than 5 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting with no less than 5 clear working days.

9.7. If the complainant is unable to attend the Complaints Committee meeting at short notice, or comply with the timescales given, this will not invalidate the proceedings, and the meeting may be held in their absence unless there is a valid reason for a postponement (for example illness covered by a medical certificate). The Council will have the discretion not to convene the meeting.

9.8. The following will be present at the meeting:

- The Members of the Complaints Committee
- The Clerk or a suitably appointed substitute
- The Complaint, who may be accompanied by one other person for support as set out above

9.9. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. The decision shall be announced at the Complaints Committee meeting in public.

9.10. The Chairman of the Complaints Committee should introduce everyone and explain the procedure.

9.11. The complainant will outline the basis of the complaint and the Clerk, or their substitute and/or members of the Complaints Committee may ask questions to the complainant.

9.12. The Clerk or their substitute will have an opportunity to explain the Council's position and questions may be asked by the complainant and/or Members.

9.13. The Clerk or their substitute should be offered the opportunity to summarise the Council's position.
9.14. The complainant should then be offered the opportunity to summarise their position.
9.15. The Clerk or their substitute, and the Complainant and any person attending in support of the complainant should be asked to leave the room while members of the Complaints Committee decide whether or not the grounds for the complaint have been made. If a point of clarification is required, both parties shall be invited back.
9.16. The Clerk or their substitute, and the Complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.
9.17. The decision should be confirmed in writing within 7 clear working days after the meeting, together with details of any action to be taken, where relevant. The letter will confirm that the Council's Complaints Policy has been exhausted.
9.18. Remedies include:
- Recognising what the Council did wrong
- Apologising
- Improving procedures so similar problems do not happen again
- Carrying out an assessment

9.19. The result of the meeting should be reported at the next Council meeting, ensuring that agreed confidentiality issues are appropriately respected.

10. Right to Appeal

10.1. The Complaints Committee's decision is final.
10.2. If you have exhausted Uffculme Parish Council's complaints procedure and are not satisfied with the action taken or believe you have been treated unfairly, for matters where the Council is acting on behalf of a principal authority council, you can pursue your complaint through the Local Government Ombudsman, who provide an independent national service to investigate complaints about parish councils.

Signature of Chair

Version control

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