

## **Harberton Parish Council Complaints Policy and Procedures**

From time to time, members of the public have complaints about the administration or procedures of a Parish, Town or Community Council. As Councils are not subject to the jurisdiction of the Local Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment of the position. For the benefit of good local administration, it is suggested that these Councils should adopt a standard and formal procedure for considering complaints to ensure that complainants can feel satisfied that at the very least their grievance has been properly and fully considered. Harberton Parish Council has adopted the following complaints policy and procedure in order to do its utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council.

### **1.1 Areas covered by the Parish Council Complaints Policy and Procedures**

A complaint could be:

- Failure of the council to provide the standard or quality of service promised by the council;
- Dissatisfaction with the way the council policies are being applied or administered;
- Delays in responding to enquiries or requests;
- The treatment by, or unhelpful attitude of, a member of staff;
- Unlawful or unfair discrimination.

What distinguishes an official complaint from a matter that does not require escalation is not always easy to define. In many cases, when a service failure is first reported, the council can simply rectify the mistake and resolve the issue without treating the case as an official complaint, but it is accepted that some cases are serious enough to be treated as a complaint and require a formal meeting. In some situations, the case will be escalated because of the repeated failure of what would on its own be insignificant.

### **1.2 Areas not covered by the Parish Council complaints policy and procedures**

A formal complaint should not be made because the complainant does not agree with a Parish Council decision. For a complaint to be heard, it will need to be shown that correct procedures or policies were not followed and that this resulted in an unfair outcome.

Separate arrangements are in place for complaints about the conduct of Parish Councillors. To make a complaint about the conduct of a Parish Councillor the complaint must be submitted in writing to The Monitoring Officer, South Hams District Council, Follaton House, Plymouth Road, Totnes, Devon, TQ9 5NE.

### **1.3 Unacceptable complaints**

There may be occasions when it is deemed the complainants' actions or behaviour to be unacceptable and in rare cases this may alter the way the Parish Council decide to deal with the complaint. This may be in cases when a complaint can be considered to be vexatious for example.

## **2. How to make a complaint**

All formal complaints against the Parish Council must be communicated in writing. The Parish Council request that complaints are submitted using the standard complaints form included in the appendices to this Policy and Procedure document and sent to:

The Parish Clerk  
c/o Little Cholwell  
Harberton  
Totnes  
Devon TQ9 7RZ  
[clerk@harbertonparishcouncil.org](mailto:clerk@harbertonparishcouncil.org)

*Policy and procedures adopted 12<sup>th</sup> May 2015 Revision history: 12/05/16, 09/05/17, 08/05/18, 14/05/19, 12/05/20, 04/05/21, 10/05/22, 16/05/23, 14/05/24.*

Complaints concerning the Parish Clerk should be sent to the Chair of the Parish Council, for whom contact details can be found on Parish Council notice boards in Harberton and Harbertonford or via the website [www.harbertonparishcouncil.org](http://www.harbertonparishcouncil.org)

### **3. The complaints process**

3.1 The Parish Council will receive complaints in writing, either delivered by post, email or in person. Complainants are asked to complete the standard complaints form.

3.2 Complaints will be acknowledged within 5 working days and confirm that the complaint will be treated as confidential if the complainant has requested such.

3.3 The Parish Council will investigate the facts of the complaint and collate relevant evidence. The Clerk to the Parish Council (except where the complaint is about his or her own actions) or Chair of the Council (if the complaint relates to the Clerk) will seek to settle the complaint directly with the complainant within 10 working days. This will not be done without first giving any individuals who have been implicated in the complaint the opportunity to comment. Efforts should be made to resolve the complaint at this stage.

3.4 If the complaint is resolved at this stage, 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.

3.5 If the complaint has not been resolved, the Parish Council will review the complaint at the next meeting of the Council, or by calling an Extraordinary General Meeting if it is deemed necessary. 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.

3.6 The complainant will be given the opportunity to attend the meeting to outline the grounds for the complaint and thereafter, questions may be asked to clarify the complaint. The complainant may be accompanied by a friend.

3.7 The Clerk or other nominated officer, will be given the opportunity to explain the council's position and questions may be asked by the complainant.

3.8 The Clerk or other nominated officer and then the complainant will be offered the opportunity to summarise their respective positions.

3.9 The complainant should be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

3.10 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.

3.11 If the Parish Council agree to discuss the complaint at the same meeting it is heard, the complainant and the Clerk (if the subject of the complaint) will be asked to leave the meeting while the complaint is considered. A resolution should be made by nomination and vote as per usual Parish Council procedure.

3.12 When the complaint has been decided, the Parish Council will write to the complainant to confirm whether or not it has upheld the complaint. The Council should give reasons for its decision together with details of any action to be taken by the Council if this is appropriate.

3.13 The decision on the complaint will be announced at the Council meeting in public, keeping names confidential if necessary.

#### **4. Confidentiality**

Harberton Parish Council handles all personal information in line with Data Protection Standards.

#### **6. Policy availability and review**

Copies of this policy are available on the Parish Council website. A paper copy can be requested from the Parish Clerk. The Harberton Parish Council Complaints Policy and Procedures document is reviewed annually at the Annual Meeting of the Parish Council.

## Harberton Parish Council Formal Complaints Form

Please use this form if you want to make a complaint to Harberton Parish Council about an administrative or procedural matter. This form is not to be used regarding complaints concerning individual Parish Councillors and the Code of Conduct as such complaints should be raised with the South Hams District Council Monitoring Officer.

Complaints must be received in writing, either by submitting a paper copy or sending as an attachment to an email.

In line with the requirements of the Disability Discrimination Act 2000, we can assist you if you have a disability that prevents you from making your complaint in writing. If you need any support in completing this form, please contact the Parish Clerk on 0845 557 8469.

Please return the form to:

The Parish Clerk  
c/o Little Cholwell,  
Harberton,  
Totnes,  
Devon  
TQ9 7RZ

[clerk@harbertonparishcouncil.org](mailto:clerk@harbertonparishcouncil.org)

Any complaint regarding the Parish Clerk should be sent to the Chair of the Parish Council. Contact details can be found on [www.harbertonparishcouncil.org](http://www.harbertonparishcouncil.org) or displayed on Parish Council Noticeboards in Harberton and Harbertonford.

### 1. Your details

*Your details will be only used in relation to contacting you with regard to your complaint.*

Title:	
First Name:	
Last Name:	
Address:	
Daytime Telephone:	
Evening Telephone:	
Email Address:	
Date complaint submitted:	

## 2. Details of your complaint

Please explain in the box below or on separate sheets if necessary the nature of your complaint. It is important you provide all the information you wish to have taken into account when your complaint is considered. For example:

- You should be specific (wherever possible) about exactly what you are alleging the Parish Council has done.
- You should provide dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe;
- You should confirm whether there are any witnesses to alleged conduct of any employees of the Parish Council and provide names and contact details of witnesses if possible.
- You should provide any relevant background information and documents.

Please provide us with the **details of your complaint**. Continue on a separate sheet if there is not enough space on this form.

**3. Informal resolution.**

It is often possible to resolve complaints without a formal investigation. In such cases it is important that appropriate action is taken without delay to try and resolve the matter. To help us to do this, please can you describe what remedy you are seeking or what action you think would be appropriate to resolve your complaint?

Please provide us with details of what remedy you are seeking or what action you think might provide a satisfactory resolution to your complaint:

**4. Confidentiality**

Only complete this section if you are asking that your identity is kept confidential.

Please provide us with details of why you believe we should withhold your name and/or withhold the details of your complaint:

**Signed** .....

**Date** .....

You will receive written acknowledgement of receipt of your complaint within 5 working days of receipt.