

# **HACCOMBE-WITH-COMBE PARISH COUNCIL**

## **COMPLAINTS PROCEDURE**

### **1 Definition**

A complaint is an expression of dissatisfaction about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council. A complaint against a local council may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.

### **2 Introduction**

Pursuant to the Local Government Act 1972, the Local Government Ombudsman has no jurisdiction over parish and town councils in England.

The council receives queries, problems and comments as part of its day to day business and they should not all be regarded as complaints.

### **3 Informal Complaints**

- 3.1 It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the clerk or chair will resolve most issues raised by a member of the public.
- 3.2 Any informal complaint will be brought to the council by the chair or clerk to be noted.

### **4 Formal Complaints**

- 4.1 In certain circumstances, bodies other than Haccombe-with-Combe Parish Council will have responsibility for certain types of complaint:-

<b>Type of conduct</b>	<b>Refer to</b>
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of account (s.16 Audit Commission Act 1998)
Alleged criminal activity	The police
Members' conduct alleged to breach the Code of Conduct adopted by the Council	Teignbridge District Council is responsible for handling complaints that relate to a member's failure to comply with the Council's Code of Conduct
Employee Conduct	Internal disciplinary procedure

- 4.2 If a member of the public is not satisfied with the outcome of a complaint dealt with under Section 3 of this Complaints Procedure then the complainant should put the complaint in writing to the clerk. If the complainant does not wish to put the complaint to the clerk, he or she should address it to the chair. As a minimum, the complainant should confirm (i) the detail of his/her complaint,

including relevant events and dates and names of relevant members, staff or contractors of the council and (ii) his/her contact details.

- 4.3 The clerk to the council or chair will report any complaint that has not been resolved to the next meeting of the council. The clerk 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.
- 4.4 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.
- 4.5 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 maladministration. 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.
- 4.6 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.
- 4.7 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.

## **5 Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly had 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 council by the clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complaint and inform the complainant so making it clear that only new and substantive issues will merit a response.

## **6 Anonymous Complaints**

Anonymous complaints will be disregarded.

## **7 Time Limit for Complaints**

All complaints, formal or informal, must be received by the Parish Council within 6 months of the circumstances giving rise to the complaint. Any complaints received after this period will be disregarded by the Parish Council.

## **8 Counter-complaints**

The Parish Council reserves the right to counter-claim against the complainant when appropriate.