

Adopted July 2023

TALATON PARISH COUNCIL

COMPLAINTS POLICY

Complaint procedures are an integral part of the machinery of nearly every commercial or public service organisation. This is because it is through dealing with, and responding to, accusations or instances of poor performance or service delivery that the organisation sees its faults and can address them and improve.

Principal Councils (county and district) have the added incentive in that there is the Local Government Ombudsman service that has the statutory remit to investigate complaints and the power to issue public reports where it is deemed appropriate. The Ombudsman may recommend the payment of compensation or another remedy if appropriate. This does not mean that local parish councils may ignore the need to have a robust complaints system, nor that there are not other places that a member of the public, or a member of the parish council, can go to seek redress for a wrong they consider the parish council has committed.

Depending on the nature of the complaint, and to some extent the person who is making it, there will be an occasion in the life of every parish council when a complaint cannot be resolved and the complainant wishes to take the matter further.

These will include (but not exhaustive) complaints concerning the following:

- Where someone feels very strongly that a decision of Talaton Parish Council (‘the Parish Council’) was unlawful, they may apply to the courts for a judicial review of the Parish Council’s decision;
- An accusation of financial wrongdoing, where a complaint may be made to the Parish Council’s external auditor. Aside from referring the matter 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 Parish Council may result in an allegation being made to the Monitoring Officer. It has been known for all members of a parish council to be reported for a possible breach of the code. This may be in respect of financial wrongdoing, acting on prejudicial interests, not complying with equality legislation and so on;
- Any matter that raises a suspicion of criminal wrongdoing can be referred to the police;
- Where the Parish Council carries out functions on behalf of another authority, such as litter picking or crime and disorder measures under an agency agreement with the principal 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;

- A complaint that the Parish Council has not released information under the Freedom of Information Act 2000 in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner. A parish council must give reasons for any decision and must inform the applicant if he/she has a right to complain to them about the handling of the request (e.g. through a complaints or other procedure and give details of the procedure), or state that there is no procedure, and of his/her right to complain to the Information Commissioner.

The Parish Council aims to deal with all our residents and other community stakeholders in a fair and proper manner. However, we understand that occasionally things may go wrong. So, if you want to complain about the way the Parish Council has dealt with a matter, this procedure aims to make the process of making a complaint clear and transparent. It sets out the way in which, and the timescales within which, we will respond to and deal with your complaint.

It should be noted that this procedure only relates to the administration of the Parish Council and the way it runs its services. To complain on any other matter please refer to the table below. The Parish Clerk or Chair of the Parish Council will be able to assist you further.

| Type of conduct | Refer to |
|--|--|
| Functions carried out on behalf of another Authority | Principal councils (East Devon District Council, Devon County Council) |
| Financial irregularity | Local elector's statutory right to object to Parish Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, parish councils may need to consult their auditor / Audit Commission |
| Criminal activity | The Police |
| Member conduct | In England, a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer at East Devon District Council. |
| Employee conduct | Internal disciplinary procedure |

Before the Meeting

1. The Complainant should be asked to put the complaint about the Parish Council's procedures or administration in writing to the Clerk.
2. Details on how to contact the Clerk or the Chair will be found on the parish notice board and the Parish Council's website. <https://www.talatonparishcouncil.co.uk/> If the Complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chair of the Parish Council.
3. The Clerk shall acknowledge receipt of the complaint within five working days and advise the Complainant when the matter will be considered by the Parish Council or by a

committee established for the purposes of hearing complaints. 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 (if, for example, the complaint is to be heard by a committee).

4. The Complainant shall be invited to attend a meeting and to bring with them a representative if they wish.

5. Seven clear working days prior to the meeting, the Complainant shall provide the Parish Council with copies of any documentation or other evidence relied on. The Parish Council shall provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The Parish Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Parish Council meeting in public.

7. The Chair should introduce everyone and explain the procedure.

8. The Complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk and then (ii) members.

9. The Clerk will have an opportunity to explain the Parish Council's position and questions may be asked by (i) the Complainant and (ii) members.

10. The Clerk and then the Complainant should be offered the opportunity to summarise their position.

11. The Clerk and the Complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

12. The Clerk 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.

After the Meeting

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Arrangements for Making Complaints

14. If a person wishes to make a complaint about a Parish Councillor under the Code of Conduct, it should be addressed to:-

The Monitoring Officer (Melanie Wellman)
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ
or e-mail:- Melanie.Wellman@eastdevon.gov.uk

The Monitoring Officer is a senior officer who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

The process for making a complaint to the Monitoring Officer is available by clicking the link below <https://eastdevon.gov.uk/council-and-democracy/councillor-conduct/complaints-procedure/>

