

## **SAMPFORD COURTENAY PARISH COUNCIL – COMPLAINTS PROCEDURE.**

(Adopted from NALC model policy -LTN 9E – Dec 2018)

“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 or service was taken by the council itself, or a person or body acting on behalf of the council”

**SCPC guiding principles** We will:

- put you, the parishioner, at the heart of the process, showing understanding for the issues you raise
- treat all complaints seriously, in a flexible and open-minded way, and do everything we can to deal with them efficiently and effectively while operating within our procedures.
- say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible
- aim to resolve complaints at the earliest opportunity
- keep you informed about the progress of your complaint
- make sure our responses are based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made.
- ensure our procedure is equally accessible irrespective of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, religion or belief
- use complaints information in a positive way to identify training requirements, improve processes, and share learning when appropriate to prevent similar occurrences in the future

<b>Type of complaint:</b>	<b>Should be directed to:</b>
Against a <b>decision</b> made by SCPC	<b>Clerk of SCPC to be considered by Governance &amp; Accountability Committee</b>
About a <b>procedure</b> carried out by SCPC	<b>Clerk of SCPC to be considered by Governance &amp; Accountability Committee</b>
About the <b>Conduct</b> of a councillor of SCPC	<b>The Monitoring Officer, West Devon Borough Council, C/O South Hams District Council, Follaton House, Totnes, Devon, TQ9 5NE or <a href="mailto:Monitoring.Officer@swdevon.gov.uk">Monitoring.Officer@swdevon.gov.uk</a> A copy of the official complaints form can be downloaded here <a href="file:///C:/Users/Lenovo/Downloads/Code%20of%20Conduct%20Complaint%20form%20-%20WD.pdf">file:///C:/Users/Lenovo/Downloads/Code of Conduct Complaint form - WD.pdf</a></b>

**Anyone wishing to make a complaint against Sampford Courtenay Parish Council must: -**

- Submit their complaint in writing within 6 months of the incident being complained about occurring.
- To Clerk Maron Pratt, Higher Town, Sampford Courtenay, EX20 2 SX or by email to [SCPCclerk@aol.com](mailto:SCPCclerk@aol.com)
- The receipt of the complaint will be acknowledged, in writing, within **7 clear working days**
- Complaints will normally be dealt with by the Governance & Accountability Committee as detailed on the Parish Council Website.
- SCPC will endeavour to investigate the complaint within **30 days**
- After an initial meeting of the Governance & Accountability Committee to consider the complaint, the complainant may be invited to make verbal representations to the committee (and is able to bring a friend to support them).
- SCPC will endeavour to determine the complaint within **12 weeks**
- A Complainant has the right to appeal a decision made by G & A Committee, this will then be put to the Full Council.

#### CHECK LIST

1.	All formal complaints against a local council must be communicated in writing and within <b>6 months</b> of the conduct being complained of occurring.	
2.	The complainant must be asked at the outset to confirm if he wants the complaint to be treated confidentially. * See Appendix 1 re Confidentiality. The council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.	
3.	A complaint against a local council is personal to the complainant and should be treated as confidential unless the complainant confirms that they waive their right to confidentiality. Therefore, the Governance & Accountability Committee meeting will exclude members of the public.	
4.	The complaint should be acknowledged in writing with <b>7 clear working days</b> confirm that it will be treated confidentially, and state when the G&A Committee will be making its first consideration	
5.	A summary of the complaint will be sent to the complainant and the cited councillor	
6.	The G & A Committee/or Clerk will inform the cited Councillor of the complaint and ask them to provide written comments on the complaint to be considered.	
7.	The G & A Committee will investigate the facts of the complaint and collate relevant evidence.	
8.	The G & A Committee may request additional information or clarifications (at any time) from the complainant; the councillor cited in the complaint, or the Clerk.	
9.	If relevant, the complainant will be invited to attend a subsequent meeting of G & A Committee to give further verbal representations and answer questions from the Council.	
10.	If possible, after considering all the evidence, the G & A Committee will try to resolve the complaint informally with the complainant, without need for further legal proceedings.	
11.	An investigation/decision by the G & A Committee should not be made informally if: - a) A formal Investigation/decision would be in the public interest. b) An allegation challenges a Councillor's honesty and integrity.	

12.	The complainant should be informed in writing within <b>7 clear working days</b> whether their complaint has been upheld. The council should give reasons for its decision together with details of any action taken by the council if this is appropriate.	
13.	Should the complainant not agree with the decision, they are entitled to appeal the decision by informing SCPC <b>within 14 days</b> that they are making a formal complaint to the WDBC Monitoring Officer.	
14.	The result of the proceedings should be reported at the next full council meeting, after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.	

## **APPENDIX 1 – CONFIDENTIALITY**

### **Confidentiality**

As a matter of fairness and in the interests of natural justice, a Councillor should normally be told at the outset that a complaint has been made and by whom.

However, there may be instances when the Complainant asks for his/her identity to be withheld.

Such requests will only be granted in **exceptional circumstances** and at the discretion of the G & A Committee. The G & A may consult the DALC on this matter.

### **The following criteria will be taken into account when considering requests for confidentiality:**

- The Complainant has reasonable grounds for believing that s/he (or someone else) will be at a risk of physical harm if his/her identity is disclosed
  
- The Complainant is an officer who works closely with the Councillor and is afraid of the consequences to his/her employment if identity is disclosed