

## **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>   |
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| 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 Monitoring.Officer@swdevon.gov.uk</b><br><b>Online submission form can be found here</b><br><a href="https://www.westdevon.gov.uk/standards-complaints">https://www.westdevon.gov.uk/standards-complaints</a> |

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

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| 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.   |  |

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| 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: -<br>a) A formal Investigation/decision would be in the public interest.<br>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