

# **IDEFORD PARISH COUNCIL COMPLAINTS PROCEDURE**

**Adopted by Ideford Parish Council on 10 May 2018**

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# 1. Introduction

- 1.1 As an exemplar of democratic local government, Ideford Parish Council wishes to conduct its business openly and to actively seek views from the community which it represents. It is accepted that such views may occasionally be in the form of complaints about the Council itself, about the conduct of a Councillor or about the conduct of the Parish Clerk, in which case a policy and procedure is required for dealing with such complaints in an open and fair manner.
- 1.2 In all cases complaints shall be dealt with as quickly as possible.

## 2. Complaints about the Parish Council itself

- 2.1 All complaints will be heard before a meeting of Parish Council members, which may be open or closed, as required by the nature of the complaint.

### Before the Meeting

- 2.2 The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk or other nominated officer.
- 2.3 If the complainant does not wish to put the complaint to the Parish Clerk or other nominated officer, he/she should be advised to address it to the Chairman of the Council.
- 2.4 Receipt of the complaint shall be acknowledged immediately and the complainant advised when the matter will be considered by the Council. The complainant shall also be advised whether the complaint will be treated as confidential.
- 2.5 The complainant shall be invited to attend the meeting and to bring a representative if he/she so wishes.
- 2.6 The Council shall request the complainant to provide copies of any documentation or other evidence to be relied on no less than seven clear days prior to the meeting. The Council shall provide the complainant with copies of any documentation on which it wishes to rely and shall do so promptly, allowing the complainant the opportunity to read the material in good time before the meeting.

### At the Meeting

- 2.7 The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on such a complaint shall be announced at a Council meeting in public.
- 2.8 The Chairman shall introduce everyone and explain the procedure.
- 2.9 The complainant (or representative) shall outline the grounds for the complaint and, thereafter, questions may be asked first by the Parish Clerk or other nominated officer and then by members of the Council.
- 2.10 The Parish Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked first by the complainant and then by members of the Council.
- 2.11 The Parish Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their positions.
- 2.12 The Parish Clerk or other nominated officer and the complainant should be asked to leave the room while Council members decide whether or not the complaint should be upheld. If a point of

clarification is necessary, both parties shall be invited back. If the complaint is upheld, Council members shall determine what action should be taken.

- 2.13 The Parish Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision. However, if the decision is unlikely to be finalised on that day, they should be advised when the decision will be made and when it will be communicated to them.

### **After the Meeting**

- 2.14 The decision shall be confirmed in writing within seven working days together with details of any action to be taken.
- 2.15 If, having carried out the above procedure, the complainant is still dissatisfied, his/her recourse is to the District Council.

## **3. Complaints about a member of the Parish Council**

- 3.1 When going about their official business, members of the Council shall be expected at all times to behave in accordance with the adopted Members' Code of Conduct. If a complaint relates to a member not behaving in accordance with this code, it shall be referred to the District Council's Monitoring Officer or Standards Committee for investigation and consideration of any action to be taken.
- 3.2 Occasionally a complaint may relate to the conduct of a member in his/her private life which might be seen to, for example:
- a. bring the Parish Council into disrepute
  - b. disqualify a member from acting in a role or capacity to which he/she has been appointed by the Council.
- 3.3 In such cases the complaint shall be considered by the Parish Council itself, which shall appoint a panel of three members to investigate, make a decision and recommend an appropriate course of action. A further panel of three members shall be appointed in case there is an appeal.
- 3.4 All meetings of these panels and consideration of their recommendations by the full Council shall be held in closed session.

### **Panel Meetings**

- 3.5 The panel may call for written statements or evidence from the complainant, the complainee and any other parties it may wish to consult. The panel is at liberty to uphold or reject a complaint based on written evidence alone. A copy of all written evidence or advice shall be provided to the complainee so that he/she has an opportunity to respond before any decision is taken.
- 3.6 Should the panel decide to call the complainant or another party to a meeting for the purpose of further investigation, the complainee has a right to be present and to ask questions or make countering statements. Both the complainant and complainee also have the right to be accompanied at the meeting by another person of their choosing who may observe but not take part in the discussion.

### **Panel Decisions**

- 3.7 Once the panel has reached a decision on whether to uphold or reject a complaint, this shall be communicated initially to the Chair of the Parish Council and then confidentially to both the complainant and complainee, both of whom have the right to appeal.

3.8 Appeal panel meetings shall be subject to the same procedures as above. The decision of the appeal panel shall be final.

### **Panel Recommendations**

3.9 The decision and recommendation of the respective panel shall be considered by the full Council in closed session, which shall decide on any action to be taken. The full council may not revoke a decision of the panel on whether or not a complaint should be upheld.

3.10 Any action taken by the full Council based on the panel’s recommendation shall be communicated in confidence to the complainant.

## **4. Review**

4.1 This policy will be reviewed annually.

## **5. Correspondence addresses for complaints**

<b>District Monitoring Officer</b>	<b>Chairman of Ideford Parish Council</b>	<b>Clerk to the Parish of Ideford</b>
The Monitoring Officer Teignbridge District Council Forde House Brunel Road Newton Abbot Devon TQ12 4XX	Councillor David Fox Chairman Ideford Parish Council Well Barn Olchard Sandygate Newton Abbot TQ12 3GX	Mr Greg Dyke Parish Clerk Ideford Parish Council 23 Teign Fort Drive Kingsteignton Newton Abbot TQ12 3FY