

TARRINGTON PARISH COUNCIL (TPC) COMPLAINTS PROCEDURE

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Chair Original signed

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Clerk Original signed

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Introduction

The following TPC Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This document is intended to assist with formal complaints TPC receives about its operations and services.

TPC will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

TPC aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community of Tarrington. TPC welcomes feedback from the public at all times.

Complaints must always be directed via the parish Clerk or the Chairman of the Council, not through individual Councillors. A Complainant may advise a Councillor of the details of the complaint, but individual Councillors are not authorised to resolve complaints.

If complaints are made to the Council either in person, by telephone, letter or email to the parish Clerk or the Chairman of the Council, the Clerk will try to resolve the complaint informally in a timely manner. It is hoped that most complaints can be resolved quickly and amicably through this route. In the event that the informal process does not satisfy a member of the public, TPC has a formal complaints procedure that should be followed.

Definitions

Council refers to Tarrington Parish Council.

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 Council may arise from the reasons in the above quote but it may also be triggered by an allegation of administrative fault such as not following procedures, Standing Orders, Inadequate or No Service, a Delay or the making of a mistake.

When a complaint is made against a Parish Council, its Members of the Council or Council Staff are likely to be mentioned or complained about. However, a complaint against a Council should be treated as a complaint against the Corporate Body of the Council, not as a complaint against individual employees or Members of the Council.

It may be necessary to notify the Council's Insurer of a complaint immediately. This could be appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss, or where the Council is at risk of being held liable in law to pay damages or to provide another legal remedy. It is important that the Council takes instruction from its insurers how to respond to this kind of Complaint. The failure of a Council to notify its insurers as soon as a legal claim is threatened or made may invalidate its insurance policy.

The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

This procedure covers routine complaints which are the majority of complaints generally received by a parish council. Habitual or Vexatious complaints are defined here as unreasonable complaints, enquiries or outcomes that are repeatedly or obsessively pursued and are dealt with under a separate policy: HALC Policy for Dealing with Unreasonable Complaint Behaviour dated March 2010.

Some types of complaint will be handled outside this procedure:

- I. Financial Irregularity will be referred to & handled by the Council's Auditor
- II. Criminal Activity should be referred to & handled by the Police
- III. Member Conduct by the standards committee of Herefordshire Council as the Principal Authority
- IV. Employee Conduct relating to a Grievance or Disciplinary action will be by the Council's internal disciplinary & grievance procedure.

COMPLAINTS PROCEDURE

Before The Council Meeting

1. Complaints about the conduct of a Member of the Parish Council. The Complainant will be asked to contact the Monitoring Officer at Herefordshire Council. This must be in writing to The Monitoring Officer, Herefordshire Council, Plough Lane, Hereford HR4 0LE.
2. If a complaint about procedures, administration, decisions of the Council is notified verbally to a Councillor, the Clerk, or other employee of the council, a written note of the complaint will be made by the person listening to the complaint, noting the name and contact details of the complainant and the nature of the complaint.
3. Depending on the nature or severity of the complaint, initially the person listening to the complainant will attempt to resolve the matter verbally. However, if this is not possible or the complainant refuses to resolve the matter in this way, they will be asked to put their complaint in writing.
4. The complainant should write their complaint (either by email or a letter) to the Clerk at clerk@tarrington-pc.gov.uk or to 4 Millfield, Canon Frome, Ledbury, Herefordshire HR8 2TH
5. Complaints received by the Clerk or Chairman of the Council will be acknowledged within 10 working days of receipt.
6. Once this period of 10 working days has elapsed, the Council will aim to resolve/deal with the complaint within a further 21 working Days. This is because the Council may need time to investigate, carry out research and hold a Council Meeting of the Corporate Body of the Council before a resolution can be made.
7. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
8. If the complainant prefers not to put the complaint to the Clerk they should be advised to write to the Chairman.
9. The complainant will be advised when the matter will be considered and whether it will be treated confidentially or heard by a committee. A copy of this procedure will also be given to the complainant.
10. On receipt of a written complaint, the Clerk (except where the complaint is about their own actions) will liaise with Chairman of Council (or Vice-Chairman if the complaint involves the Chairman) who will then seek to settle the complaint directly with the complainant. This will not be done without first notifying any person involved with the complaint to give them an opportunity to comment. Efforts will be made to resolve the complaint at this stage.

Where the Clerk or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chairman. The Clerk to the Council will be advised of the matter and given an opportunity to comment.

11. The Chairman will report any complaint resolved by direct action with the complainant, at the next meeting of the Council. However, this will be done in a discrete way to protect the complainant's personal details unless they wish the details to be made public.
12. The Chairman will ask the Clerk to add the Complaint as an Agenda item to allow the Chairman to report any unresolved outstanding complaints at the next meeting of the Council.
13. The Clerk will notify the complainant of the date on which the complaint will be considered and discussed at a Council meeting.
14. If the Council, a Council member, a Council Employee or the Complainant feels that the matter should be addressed confidentially at the exclusion of the Press and other members of the Public, the Agenda Item addressing the Complaint will be debated in private.
15. If the Council, a Council member, a Council Employee or the Complainant feels that the Ward Councillor should be present they will be allowed to attend the meeting and if felt appropriate by all parties, allowed to speak to give advice on the matter.
16. No later than seven clear working days prior to the meeting, the Complainant and the Council will exchange copies of any documentation, or evidence to be relied on, to each party.

At The Council Meeting

17. At the meeting the complainant will be offered an opportunity to explain the complaint to the Council verbally.
18. Whilst the complaint may be discussed in the absence of the press and public, any decision on the complaint will be announced at the Council meeting in public.
19. The Chairman of the meeting will introduce everyone and explain the procedure.
20. The complainant (or their representative) will outline the grounds for complaint before they receive any questions from the Chairman, Clerk, Council Members present, the Ward Councillor.
21. The Chairman will then explain the council's position on the matter before any further questions from the complainant.
22. The Complainant and the Chairman will then each summarise their position on the matter; both then either leave the room or they will sit in silence, whilst the

council members decide whether or not grounds for complaint have been made.

23. If the decision is unlikely to be finalised on the day, an estimated date will be provided. 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.
24. Matters relating to or leading to a Grievance or Disciplinary proceeding which are taking, or are likely to take place, should be dealt with in accordance with the Council's Grievance/Disciplinary procedures.

After The Council Meeting

25. 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.
26. Any offer of acceptance of financial compensation should be signed for by the complainant and confirm the Council's full and final settlement of the dispute
27. As soon as possible after the decision has been made (not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
28. Should the complainant not agree with the decision, they will be entitled to appeal the decision within 14 calendar days of receipt of the result of the proceedings.
29. The Council will appoint two councillors to handle an appeal, within 21 working days of receiving the appeal; they will examine the way in which the Council dealt with the complaint.
30. If procedures were correctly handled by the Council, then the appellant will be notified that the appeal has not been successful. If the complaint was not handled correctly, it will be referred back for consideration as per point 10 onwards.
31. The appellant will be notified of the result of the appeals process within 10 working days.

Habitual and Vexatious Complaints

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