

# COTHERSTONE PARISH COUNCIL

## Governance

Author Clerk  
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### Review of policies and registers

#### 1. Complaints Policy and Procedures (deferred from November meeting)

The Parish Council's Complaints Policy and Procedures, as adopted in May 2018, is attached at Appendix 1.

Following discussion about a 'final recourse' following referral to full council, advice was sought from the County Durham Association of Local Councils and the following was received: The Local Government Ombudsman has no jurisdiction over parish and town councils so a complainant cannot go to them. Unless it's a Code of Conduct issue, Durham County Council also has no jurisdiction over parish and town councils. A full council decision is final, and the complainant has nowhere else to go. The only other way to express their dissatisfaction with the parish council would be to stand for election at either ordinary elections or when a casual vacancy occurs.

In the light of this advice, clause 6g has been added as a proposed revision to the existing policy.

### Recommendation

To review and approve any necessary revisions to the Parish Council's Complaints Policy and Procedures.

## Appendix 1: Complaints Policy and Procedures

# COTHERSTONE PARISH COUNCIL Complaints Policy and Procedures

### 1. Introduction

Cotherstone Parish Council tries to get its service delivery right every time, but there are occasions when parishioners may be dissatisfied with our performance. This policy sets out how to raise a complaint with the Parish Council.

### 2. Complaints policy

- a) **Complaints about administration or procedures:** These will be dealt with using either the informal procedure or formal procedure detailed below.
- b) **Complaints about policy decisions:** These will be referred to full Council, or relevant Committee, as appropriate, for consideration.
- c) **Complaints against Councillors:** This policy does not cover Code of Conduct complaints against an individual Councillor. These have to be made directly to the Durham County Council Monitoring Officer. The Monitoring Officer can only deal with Code of Conduct complaints about the behaviour of a Councillor and failure to follow the Code. He will not deal with complaints about matters that are not covered by the Councillors Code of Conduct. The complaint should be addressed to The Monitoring Officer, Durham County Council, County Hall, Durham DH1 5UQ.
- d) **Freedom of Information Complaints:** A complaint that the Parish Council has not released information under the Freedom of Information Act, in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner but should first be dealt with as a request for Internal Review in accordance with the agreed Internal Review Terms of Reference and Procedure.
- e) **Recording Complaints:** All complaints will be noted by the Cotherstone Parish Council Clerk in a complaints file. This will detail the complainant, date, nature and detail of the complaint, the route followed as well as the date and details of its resolution.
- f) **Anonymous Complaints:** The Parish Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

### 3. Making a complaint

- a) Complaints should be made by letter or email to the Parish Clerk and not through individual councillors. Individual councillors (including the Chairman) are not in a position to resolve complaints if they are in any way involved in the issue or issues raised by the complainant. The Clerk will acknowledge the complaint and inform the Chairman of the complaint (unless the Chair is involved, when the matter will be referred to the Vice-Chairman through the resolution process set out below).
- b) A formal complaint should be addressed to the Clerk, marked 'Confidential — formal complaint'. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
- c) It is hoped that most complaints can be resolved quickly and amicably through the informal route. However, where the complaint is deemed to be serious enough a formal approach will be initiated from the outset. The Chairman will determine whether the informal approach is appropriate or not.

- d) The Clerk will acknowledge receipt of a complaint within three working days, together with a copy of this procedure, and inform the complainant as to whether the complaint will be handled through the informal or formal complaints procedure.

#### **4. Informal complaints procedures**

The informal complaints procedure will progress through the following stages with the Clerk kept informed of the handling of the complaint and its resolution throughout.

- a) Stage 1: The complaint will be handled by the most appropriate Council member, depending on the nature of the complaint. The Chairman will determine who this is and appoint that person to lead the process. Any person complained about will be notified of the complaint.
- b) Stage 2: The appointed councillor will contact the complainant within three days of being appointed, to inform them that they have been appointed to deal with the complaint and where appropriate seek clarification on the complaint.
- c) Stage 3: The appointed councillor will contact any person complained about and give them an opportunity to comment.
- d) Stage 4: The appointed councillor will try to reach an agreed resolution with the complainant.
- e) Stage 5: The appointed councillor will report back to the Chairman that he has either achieved an agreed resolution or cannot.
- f) Stage 6: Where it is not possible to achieve a satisfactory conclusion to the complaint the Chairman will initiate the formal procedure.

#### **5. Formal complaints procedures**

This stage will either be entered into due to the informal complaints procedure having failed to achieve a satisfactory conclusion, or due to the seriousness of the complaint requiring the matter to be determined following the formal complaints procedure (as determined in section 3c above).

- a) An internal review committee (IRC) is responsible for managing the formal complaints process. If a formal complaint is being raised against a member of the IRC, then the Chairman will appoint a substitute for that member.
- b) The Clerk (or the Chairman, or the Chairman of the Internal Review Committee if the Clerk or Council Chairman is implicated in the complaint) will acknowledge receipt of the complaint within three working days and inform the complainant of who will be leading the formal complaints procedure.
- c) The Council Chairman will pass all detail provided by the complainant to the lead member of the IRC and the IRC will initiate an investigation into the complaint.
- d) The IRC will keep the complainant updated on progress with an indication of when they will complete or a suggested resolution. The first update will be provided within ten working days of the matter being referred to the IRC and then every 5 days until the investigation is complete. If the complainant is satisfied with the resolution the complaint is closed and the IRC will provide a report to the full council at the next meeting. This report will provide summary details of the complaint and of its resolution. This summary report will not identify the complainant or other personal information.
- e) If the IRC is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a full meeting of the Council. The Clerk or Chairman will report any complaint that has not been resolved to the next meeting of the Council.

## 6. Referral to full council

This stage will only be entered if the complaint has not been resolved through the formal complaints procedure

- a) As far as possible Cotherstone Parish Council carries out its business in public but matters that involve individual identified members may require the exclusion of the press and public. The IRC shall consider whether the circumstances of the full council meeting warrant the exclusion of the public and the press. If the Clerk or any council members are implicated in the complaint, they shall be excluded.
- b) The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made.
  - i. The meeting shall be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
  - ii. The complainant (or representative) shall be invited to outline the grounds for complaint and council members given the opportunity to ask any question of the complainant.
  - iii. The Chairman of the Internal Review Committee shall explain the Committee's position and council members shall ask any questions of him or her.
  - iv. The complainant is to be offered the opportunity of summing up their position.
  - v. The Chairman of the Internal Review Committee shall be offered the opportunity of summing up their position.
  - vi. The Internal Review Committee and complainant shall be asked to leave the room while the remaining council members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, the complainant and Chairman of the Internal Review Committee shall be invited back.
  - vii. Once a decision has been arrived at, all shall return to hear the decision.
  - viii. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary.
  - ix. The advice will be considered, and the complaint dealt with at the next meeting after the advice has been received in the same manner as outlined above.
  - x. As soon as possible after the decision has been made, and in any event not later than 10 days after the meeting, the complainant shall be notified in writing of the decision and any action to be taken. The announcement of any decision will be made in public, at the next council meeting
- c) The council will try to adhere to the timings outlined in this document, but in the case of a complex complaint, or the absence of a member who is involved in the complaint, or the Clerk, timings may have to vary. Should this occur then the complainant will be kept advised of the revised timescales.
- d) A formal complaint is a serious matter. The Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against an employee. This is expressly to protect the employment rights to which employees of the Parish Council are entitled.
- e) Matters relating to grievance or disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Parish Council's grievance and disciplinary procedures as set out in employee's contracts of employment.
- f) 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 Parish Council's maladministration. Any payment may only be authorised by the Parish Council's auditor after their approval as to the propriety of such a payment.
- g) **The decision of the full council is final.**