

# East Budleigh with Bicton Parish Council

## Complaints Code of Practice

Adopted January 2019

### Complaint Context

- This code of practice deals with the handling of complaints from the public regarding the procedures or administration of the Council.
- Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
- Complaints about the conduct of Councillors, who are obliged to adhere to the Council's Code of Conduct policy and Standing Orders, will be dealt with according to the procedure set down in Standing Order Section 14 Code of Conduct Complaints. Any such complaint should be referred to the Monitoring Officer at East Devon District Council in the first instance.

### Before Processing a Complaint

1. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
2. The complainant will be asked to put the complaint in writing (letter/e-mail) to the Clerk to the Council, [clerk@eastbudleigh-pc.gov.uk](mailto:clerk@eastbudleigh-pc.gov.uk) and include a contact address or email and preferred method of contact. 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.
3. The complainant must confirm whether he/she wishes the complaint to be treated confidentially. It is unlikely the complainant will waive confidentiality. Even if he/she does so the Parish Council must comply with its obligations under the Data Protection Act 2018 / GDPR 2018 to safeguard against the unlawful disclosure of personal data.
4. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example) he or she should be advised to write to the Chair of the Council.

### Receipt of the Complaint

5. The Clerk or Chair shall:
  - Acknowledge receipt of the complaint in writing
  - Confirm to the complainant whether the complaint will be dealt with as a confidential matter
  - Confirm the next steps
  - Outline an expected timeframe for the investigation

### Investigating the Complaint

6. (a) Following receipt of a written complaint, the Clerk to the Council (except where the complaint is about his or her actions) or Chair of the Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.  
(b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

7. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
9. Before the meeting the complainant should provide the Parish Clerk / Chair with any additional or new information or evidence relevant to the complaint. The Council will collate all relevant information for the meeting.
10. Should a meeting be agreed, the complainant may be accompanied by a friend or representative.

#### **Grievance or Disciplinary matters**

11. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's Grievance and Disciplinary procedures.

#### **Meeting with the Complainant**

12. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
13. The Chair shall introduce everyone present at the meeting and shall explain the procedure.
14. The complainant, or their representative, shall outline the grounds for the complaint and thereafter questions may be asked by the Parish Clerk / Proper Officer and members of the Parish Council.
15. The Parish Clerk / Proper Officer or nominated councillor will have the opportunity to explain the Council's position and thereafter questions may be asked by the complainant, or their representative, and members of the Parish Council.
16. The Parish Clerk / Proper Officer or nominated councillor and the complainant, or their representative, will be offered the opportunity to summarise their respective positions.
17. The complainant will be advised when a decision about the complaint will be made. and when it will be communicated to them. The respective parties to the complaint shall then leave. The complainant will be notified in writing of the decision and any action to be taken.

#### **After the Complaint has been Decided Upon**

18. Within the agreed timeframe for resolution the Parish Council will write to the complainant to confirm whether or not the complaint has been upheld. The Parish Council will give reasons for their decision together with details of any action it is taking (if appropriate).

#### **Deferment**

19. 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. The complainant will be notified of any such deferment.

#### **Timescales**

20. Receipt of the complaint will be acknowledged in writing within 5 working days, outlining who will be dealing with the complaint and a timeframe.
21. Unless there are extenuating circumstances, the Parish Council will endeavour to resolve complaints within 21 working days.
22. Unless there are extenuating circumstances, the Parish Council will communicate its written decision within 10 days of the formal complaint meeting.