



COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL

Adopted by Over Stowey Parish Council

On: July 17th 2024

The following procedure has been 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 does not cover complaints about the conduct of a Member of the Parish Council. Such complaints should be made through Somerset Council Complaints procedure for use in complaints against the council

With regards to any complaint received the following stages will be adopted:

Stage 1

- 1.1 The complainant must be asked at the outset to confirm if they want the complaint to be treated confidentially
- 1.2 If the complaint is about services offered by the Parish Council, please speak to the Parish Clerk who may be able to resolve the issue immediately
- 1.3 If you are still not satisfied, please speak to the Chair who will investigate your complaint
- 1.4 Most complaints can be resolved at an early stage and will be considered as informal complaints
- 1.5 If you did not receive a satisfactory outcome, you can make a formal complaint
- 1.6 This can be done:
 - By post to: The Clerk, Over Stowey Parish Council, C/O Jasmine Cottage, 66 Keenthorne, Nether Stowey, TA5 1HZ or
 - By email: clerk@overstoweyparishcouncil.gov.uk
- 1.7 Wherever possible the Clerk will normally try to acknowledge your complaint within five working days

Stage 2 - Before the meeting

- 2.1 The written complaint will be dealt with within 21 days of receipt
Refusal to put the complaint in writing will not necessarily mean that the complaint will not be investigated, but it is the preferred option
- 2.2 If you prefer not to put the complaint to the Parish Clerk because it relates to the Clerk, you are advised to write to the Chair

- 2.3 The Parish Clerk or the Chair of the Parish Council (if the complaint relates to the Clerk), will investigate each complaint, obtaining further information as necessary
- 2.4 Where the Parish Clerk or a Councillor receives a written complaint about the Clerk's actions, this will be referred to the Chair of Council
- 2.5 The Parish Clerk will be formally advised of the matter and given an opportunity to comment
- 2.6 Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or evidence to substantiate the complaint
- 2.7 The Council will similarly provide the complainant with copies of any relevant documents upon which they wish to rely at the meeting. to allow the complainant enough time to read the material before the meeting
- 2.9 All complaints will be reported at Council meetings where they will be addressed and investigated
- 2.10 If it is considered that the Council will not be able to resolve the complaint at the next meeting the complainant will be informed that the Council will require more time to investigate
- 2.11 The Parish Clerk or Chair will notify the complainant of the date on which the complaint will be considered and invite the complainant to attend the meeting and bring a representative if they wish

Stage 3 – At the meeting

- 3.1 The Chair will introduce everyone, explain the procedure and outline the grounds of the complain
- 3.2 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
- 3.3 The complainant and members may ask questions of each other and if relevant, the Clerk will explain the Council's position
- 3.4 Members may ask questions of the Clerk and the Clerk and the complainant will be offered the opportunity to make final comments
- 3.5 The Clerk and complainant will be asked to leave the room for Councillors to decide whether or not the grounds for the complaint have been made but will be invited back into the room if further clarification is required

- 3.6 Both will then be invited to return to hear the decision but if the decision is unlikely to be finalised on that day they will be advised when the decision will be made and when they will be informed
- 3.7 Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, will be dealt with in accordance with the Council's Standing Orders
- 3.8 The Council may consider in the circumstances of any particular complaint whether to make any liability payment or without or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration
- 3.9 Any payment may only be authorised by the Council after obtaining legal advice on the propriety of such a payment

Stage 4 - After the meeting

- 4.1 The complainant will receive a letter of the decision and any action to be taken, no later than 10 days after the meeting
- 4.2 The Council may defer dealing with any complaint if it is of the opinion that further advice is required
- 4.3 The advice will be considered and the complaint dealt with at the next meeting after the advice has been received

Stage 5 – Appeals

- 5.1 If the complainant does not agree with the decision they are entitled to appeal the decision within fourteen days of receipt of the result of the proceedings
- 5.2 The Parish Council should, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint
- 5.3 If procedures were correctly handled by the Council, then the appellant should be notified that the appeal has not been successful
- 5.4 If the complaint was not handled correctly, it must be referred back for consideration as at 2.7, 2.8 and 2.11
- 5.5 The appellant should be notified of the result of the appeals process within fourteen days.