

George Nympton & Queen's Nympton Parish Council

COMPLAINTS POLICY (Adopted on October 14th 2010)

Introduction

Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over Parish and Town Councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local Councils in England. This document lays down the procedure that this Council will adopt in the event of a complaint being made by a member of the public.

When complaints policy is not appropriate

It is not appropriate to deal with all complaints from members of the public under this complaints procedure. Council will refer the following situations to other bodies or use other procedures in respect of the following complaints.

Type of Conduct	Refer to
Financial Irregularity	Local elector's statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, Council may need to consult the Auditor or the Audit Commission
Criminal Activity	The Police
Member Conduct	If the complaint related to a failure to comply with the Code of Conduct, this must be submitted to the Standards Committee of North Devon District Council
Employee Conduct	Internal disciplinary/dismissal procedure

Policy for when complaints procedure is appropriate

A. Before a meeting

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the clerk. If the complaint refers to any area in table above, it will be dealt with as shown.

2. If the complainant does not wish to put the complaint to the clerk, he or she should be advised to address it to the Chairman of the Council or, in the event of a complaint being made about the Chairman, to the Vice Chairman.

3. The clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council. The complainant should also be advised whether the complaint will be treated as confidential or whether notice will be given for the complaint to be considered on the next agenda of the Council.

4. The complainant shall be invited to attend a Council meeting and to bring with them a representative if they wish.

5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the meeting

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.

7. The Chairman (or Vice Chairman in the event of 2 above) should introduce everyone and explain the procedure.

8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by the clerk and Councillors.

9. The clerk will have an opportunity to explain the Council's position and questions may be asked by the complainant and Councillors.

10. The clerk and then the complainant should be offered the opportunity to summarise their position.

11. The clerk and complainant should be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties should be invited back.

12. The clerk and complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

14. Any appeal to the decision shall be considered by the Chairman (or Vice Chairman in the event of 2 above) who has the right to decide that the matter is closed.

N.B. Further information can be found on NALC Legal Topic Note 9 and within sections 26 and 27 of the Local Government Act 1974.