

## **Bishopton Parish Council**

### **Complaints Procedure**

1. Bishopton Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

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

2. The way the Parish Council manages any report of a problem with the service you are getting or trying to get from the Parish Council, or a problem with things that the Parish Council does or does not do, is via a Complaints Procedure. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

#### 2.1. What constitutes a Complaint?

- An expression or dissatisfaction by one or more members of the public about the Parish Council's action or lack of action, or
- about the standard of service delivered by the Parish Council
- The Complaint may relate to an action taken or service provided by the Parish Council itself or a person or body acting on behalf of the Parish Council.

#### 3. This Complaints Procedure does not apply to:

3.1. Complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.

3.2. Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 12 October 2016 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Darlington Borough Council.

4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below. A complaint about procedures, administration, Parish Councillors 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.

The complainant will be asked to put the complaint in writing (letter/email/standard form) to the Clerk to the Council.

6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

The complaint will be dealt with within 14 days of receipt. Refusal to put the complaint in writing will nullify the complaint.

7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council. You may wish to mark the letter "confidential" if this is appropriate.

8. The Clerk will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Parish Council.

9. The Clerk or the Chairman of the Parish Council will notify you within 14 days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the fourteen days timescale may have to be extended. If it is, you will be kept informed.)

10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Parish Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

11. 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 Parish Council. Once resolved, matters will be recorded in the Parish Council Minutes. However, if they relate to certain Human Resources issues, or other sensitive issues, these may be exempt from publication for legal reasons.

12. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Parish 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 Parish Council orally.

13. 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 grievance and disciplinary procedures.

14. 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 Parish Council meeting in public.

15. The Parish 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 Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

16. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

17. 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.

18. It may be appropriate for bodies other than Bishopton Parish Council to investigate the following types of complaint:-

Financial irregularity - the Council may need to consult its auditor.

Criminal activity - the Parish Council must report this type of complaint to the police.

Member's conduct –

If the complaint relates to a failure to comply with the Local Government Code of Conduct 2007 it must be submitted to Luke Swindhoe at Darlington Borough Council.

Employee conduct - The Parish Council should refer to its internal disciplinary procedure.

#### 19. Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Parish Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. The Clerk (or Chair of the Parish Council) will refer these matters to the Parish Council with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

**The table below is a quick guide**

| Nature of Complaint   | How to Complain  | Who to Complain to   | Who will deal with your Complaint  |
|---|--|--|--|
| <p>Parish Council</p> <ul style="list-style-type: none"> <li>- Processes</li> <li>- Procedures</li> <li>- Services</li> </ul> | <p>The Clerk will provide you with a Complaint Form.</p> <p>Complete the Form and add any other relevant information to support your Complaint</p> | <p>The Clerk</p>   | <p>You will receive a written reply from the Clerk.</p> <p>The matter may have been debated at a Parish Council meeting, and if so the Clerk's response will be based on the decision of the Parish Council.</p>   |
| <p>Financial Irregularity</p>   | <p>The Clerk will provide you with a Complaint Form.</p> <p>Complete the Form and add any other relevant information to support your Complaint</p> | <p>The Clerk/Responsible Finance Officer of the Council</p>  | <p>The Clerk/Responsible Finance Officer of the Council should endeavour to provide an explanation.</p> <p>If you are not satisfied, you can report the matter to the External Auditor.</p>  |
| <p>Conduct of an employee</p>   | <p>The Clerk will provide you with a Complaint Form</p> <p>Complete the Form and add any other relevant information to support your Complaint</p>  | <p>The Clerk, unless the Complaint is about the Clerk</p> <p>If this is the case, the Complaint should be sent to the Chairman, sealed, and marked "private and confidential".</p> | <p>The Complaint may be resolved or escalated and treated as an internal disciplinary matter to be dealt with under the Council's employee disciplinary procedure.</p> <p>In the event that the matter escalates, the Council will provide a copy of the disciplinary procedure on request</p> |
| <p>Criminal activity</p>  | <p>In writing, including any relevant evidence to support your concern</p>   | <p>The police</p>  | <p>The police.</p> <p>Depending on the severity, it may go to court.</p>   |

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| Conduct of a Councillor | Refer to the Code of Conduct of Members | <i>(Where the Parish Council has adopted the Principal Authority's Code of Conduct, the Principal Authority's Monitoring Officer should be contacted in writing)</i> | Matters may be lengthy if an investigation is undertaken. |

Clerk of Bishopton Parish Council

Mr Les Foggett  
 Bishopton Parish Council  
 20 Stansted Grove  
 Middleton St George  
 Darlington,  
 DL2 1UU  
 Tel: (01325) 337952  
 Email: clerk@bishoptonvillage.co.uk

Chairman of Bishopton Parish Council

Councillor Lindley MacMahon

BISHOPTON PARISH COUNCIL

Complaints Procedure

Adopted on 19th September 2018