



Crowan Parish Council

Complaints Procedure

Adopted 09/12/2022
Review 01/04/2024

Introduction

This Procedure is based on a model developed by the National Association of Local Councils. Its aim is to give people a reliable means of having their complaints against the council dealt with fairly and competently.

Crowan Parish Council aims to operate in a way that is open, transparent and fair and to provide effective and appropriate services. Feedback from the public, whether positive or negative, is welcomed if it is respectful, reasonable and (where necessary) supported by evidence.

In seeking to resolve a complaint, the council will keep matters confidential unless explicitly stated otherwise in this Procedure. The council may seek advice from the Cornwall Association of Local Councils, lawyers or another organisation in carrying out this Procedure but will keep all sensitive and private matters confidential.

Limitations

Crowan Parish Council will not acknowledge or consider complaints that are submitted anonymously. However, it may refer anonymous allegations of criminal activities to the Police.

A complainant may advise a councillor of the details of a complaint, but individual councillors are not authorised to try to resolve complaints and must document the matter and refer the complaint to the Clerk (or Chair in cases concerning the Clerk).

Most complaints must be directed to the Clerk. The only exceptions are complaints made about the Clerk, which should be referred to the Council Chair. Complaints about an employee, including the Clerk, will be dealt with through the Disciplinary Procedure.

An allegation of serious misconduct will be acknowledged and dealt with using the Formal Procedure.

Informal Procedure

For less serious matters, the council believes that complaints are best resolved informally, if possible and appropriate. This means discussing the matter with the complainant face-to-face, on the telephone or in informal correspondence.

When a complaint is received by Clerk or Chair, s/he will contact the complainant without undue delay and attempt to resolve the matter amicably and without an investigation. If the matter is resolved in this fashion to the satisfaction of the complainant, the Clerk or Chair will document the complaint and make a record of it.

If the matter is not satisfactorily resolved informally, the complainant will be asked to make a formal complaint in writing to the Clerk or Chair as appropriate and to include as much detail as possible for the matter to be investigated.

Formal Procedure

The Clerk or Chair of the Parish Council will acknowledge in writing receipt of a written complaint within 5 working days.

The Clerk in consultation with the Chair will decide the category of the complaint and take the relevant action according to the complaint categories listed in Appendix 1. The complainant will be informed of the category under which the complaint and the action that will be taken.

If the complaint is deemed to be a category D complaint, the Clerk (or if s/he is unavailable, the Chair) will advise the complainant when the matter will be considered by the Complaints Committee. The Procedure below ("Complaints Committee Proceedings") will then be followed.

Appendix 2 ("Decision-Making Flowchart") shows the process in a simplified form.

Complaints Committee Proceedings

Before A Meeting

1. The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or his/her substitute. The Clerk or Chair shall acknowledge receipt of the request within 5 working days.
2. A Complaints Committee with a minimum membership of three councillors will be appointed by the council. A Committee Chair will also be appointed. No member who has already been involved in the matter will sit on the committee.
3. The Clerk or his/her substitute will advise the complainant when the matter will be considered by the Complaints Committee, giving at least 10 working days' notice. The complainant will also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the committee agenda.
4. The complainant will be invited to attend the meeting and to bring with them one other person for support if s/he wishes but will not be entitled to bring legal representation. The other person may not address the meeting.
5. The Complaints Committee may require particulars of the complaint or any related matters to be submitted in advance of the meeting by the complainant or the Council. If this is not forthcoming, the committee may postpone its consideration of the matter until it has the information that it needs.
6. Five 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 on which it will rely at the meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the meeting.

Attendees At A Meeting Of The Complaints Committee

1. The Members of the Complaints Committee.
2. The Clerk to the Council or a suitably appointed substitute.
3. The complainant who may be accompanied by one other person for support as set out above.
4. Members of the media and public (see below)

Conduct Of The Meeting

1. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. If so, they will be asked to leave the meeting which will only continue if they comply.

2. The Chair of the Complaints Committee will introduce everyone and explain the procedure.
3. The complainant will outline the grounds for complaint. Through the Chair, questions may be asked by members and/or the Clerk or his/her substitute.
4. The Clerk or their substitute will have an opportunity to explain the council's position and questions may be asked by the complainant and members through the Chair.
5. The Clerk or substitute and then the complainant will be offered the opportunity to summarise their positions.
6. The Clerk or substitute and the complainant and any person attending in support of the complainant will be asked to leave the room while members decide whether the complaint is upheld. If a point of clarification is necessary, both parties shall be invited back and, if necessary, leave the meeting while discussion continues.
7. The Clerk or substitute and the complainant will be given the opportunity to wait for the decision. If the committee decides that a decision is unlikely to be made that day, they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

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

The Committee Chair will report summary details of the complaint and its resolution to the Council. This summary report will exclude the names of the complainants and any Council staff involved.

Right of Appeal

The Complaints Committee's decision is final.

Complaints Categories

Appendix 1

| | Category | Action |
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| A | Criminal activity | The Clerk will refer the complainant or the complaint itself to the Police and seek advice from the Police about what action the council should take so as not to harm any investigation. |
| B | Member conduct | <p>A complaint against an individual Councillor is not covered by this Complaints Procedure. Anyone wishing to make a complaint about the behaviour of an individual councillor, will be advised to put the complaint in writing to</p> <ul style="list-style-type: none"> Email: councillorcomplaints@cornwall.gov.uk Post: The Monitoring Officer, c/o Eleanor Garraway, Floor 4 North Wing New County Hall Treyew Road Truro TR1 3AY <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor that are covered by the Councillor's Code of Conduct. Complaints that are about people employed by the Parish Council, incidents that happened before a member was elected or chose to serve on the Council, incidents that happened before the authority adopted its Code of Conduct, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides will NOT be considered by the Monitoring Officer. More information may be found at https://www.cornwall.gov.uk/the-council-and-democracy/councillors-and-meetings/code-of-conduct-complaints/</p> |
| C | Employee conduct | Complaints in this category are an internal disciplinary matter and will be dealt with under the council's disciplinary procedure. The complainant will be advised of this. The council will not correspond or discuss the outcome any action, whether formal or informal, taken against a member of staff with a complainant. (This is to protect the employment rights to which employees are entitled). |
| D | Other | Complaints in this category are "expressions of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken, or the service provided by, the Council itself or a person or body acting on behalf of the Council". These will be heard by a Complaints Committee established by the Council which has delegated authority to deal with the complaint on its behalf. |
| E | Repeated or Vexatious Complaints | Complaints that are persistent or made in a way that is obsessive, harassing or repetitious will not be tolerated or investigated by the Council. A complainant considered to be acting in such a manner by the Clerk and Chair will be referred to the Council and the matter considered at a council meeting with the Press and Public excluded. If the council will decide by resolution giving the reason whether a complainant is acting vexatiously. If so, this will be confirmed in writing to the complainant, if not the complaint will be dealt with in accordance with this procedure. |

COMPLAINTS PROCEDURE Decision-making Flowchart

APPENDIX 2

