

TIBSHELF PARISH COUNCIL

COMPLAINTS PROCEDURE

Reviewed and adopted 16 MAY 2023

This procedure does not cover complaints about the conduct of a Member of the Parish Council. The Conduct of the Parish Clerk and Responsible Finance Officer is governed by the Grievance and Disciplinary Procedure adopted by the Parish Council

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures.
2. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
3. 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.
4. The complainant will be asked to put the complaint in writing by either letter or e mail to the Clerk to the Council at 110 High Street, Tibshelf, Derbyshire DE55 5NU. The complainant must contain the detail of the complaint, including relevant events, dates, names of relevant members, staff or contractors of the council etc and the complainants contact details.
5. Anonymous complaints will be disregarded if we are unable to establish any details of the complainant.
6. The complaint will be acknowledged immediately and dealt with within 21 days of receipt. 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.
7. On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chairman of 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.

8. Complaint about the ethical behaviour of a Parish Councillor. Members of Parish Councils sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to the Monitoring Officer, Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY.
9. 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 Chairman of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
10. The Clerk to the Council (or Chairman) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
11. The Clerk to the Council (or Chairman) 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 and bring with them any such representation as they wish
12. The complainant shall be asked to provide, seven clear working days before the meeting, any written evidence and copies of documentation which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely on at the meeting
13. 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.
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 Council meeting in public. The 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 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.

15. 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.
16. 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.
17. To ensure compliance with its obligations under the Data Protection Act (GDPR) 2018 the council will not disclose the identity, contact, details or other personal data about an individual complainant unless they consent.
18. The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.
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 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. These matters will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council 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.