

Dundry Parish Council

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Complaints procedure

(Adopted at meeting on 9th February 2011)

1. This is the Council's procedure for dealing with complaints about its 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.
2. This procedure does not cover serious complaints about the conduct of a Member of the Parish Council. These should be referred to North Somerset Council for consideration by its Standards Committee. However, the Parish Council would encourage complainants to contact the Clerk before taking this step so that an attempt may be made to resolve the complaint before involving the Standards Committee.
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 to the Clerk to the Council (see above for contact details). An acknowledgment of the complaint will be made within 5 working days of its receipt in writing. (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).
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because, for example, the matter relates to the Clerk) he or she should write to the Chair.
6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of the 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 will be made to resolve the complaint at this stage.

(b) 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 Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
7. 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 Council.
8. The Clerk to the Council (or Chair) 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. If the complainant is not satisfied with the way their complaint has been dealt with they may wish to consider the following courses of action:
 - Where someone feels very strongly that a decision of the Parish Council was unlawful, they may apply to the courts for a judicial review of the Council's decision;
 - If there is an accusation of financial wrongdoing, a complaint may be made to the council's external auditor. Aside from referring the matter to another body if required, the auditor will have the power to carry out such actions as refusing to sign off the accounts or producing a public interest report;
 - Breaches of the Members' code of conduct for the council may result in an allegation being made to the local standards committee (See paragraph 2 above)
 - Any matter that raises a suspicion of criminal wrongdoing can be referred to the police;
 - A complaint that the council has not released information under the Freedom of Information Act 2000 in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner. A parish council must give reasons for any decision and must inform the applicant if he/she has a right to complain to them about the handling of the request (e.g. through a complaints or other procedure and give details of the procedure), or state that there is no procedure, and of his/her right to complain to the Information Commissioner.