

Ashby Herringfleet & Somerleyton Parish Council

COMPLAINTS PROCEDURE

Objectives

From time-to-time members of the public may have complaints about the administration or procedures of the Parish Council. Unlike principal authorities, parish councils are not subject to the jurisdiction of the Local Government Ombudsman.

Complaints may be submitted to the Monitoring Officer at Waveney District Council where there is perceived to be a breach of The Suffolk Local Code of Conduct for Members. Other than that it is recommended for transparency in local government and for the benefit of good local administration that parish councils should adopt a standard formal procedure for considering complaints: either made by complainants directly or referred back to the Council from other bodies to which they have been made. The Procedures, set out below, have been approved by Ashby Herringfleet & Somerleyton Parish Council as a way of ensuring that complainants can feel satisfied that, at the very least, their complaint has been properly and fully considered.

It is in the Council's interest to do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council. If a complaint cannot be settled by the Council the complainant may well try to enlist the services and backing of other individuals and bodies, or have recourse to law and thus pursue the complaint at a considerable expenditure of time and other resources to the Council and community tax payers. Ashby Herringfleet & Somerleyton Parish Council is mindful of the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

The Procedures

1. This policy document sets out procedures for dealing with any complaints made about Ashby Herringfleet & Somerleyton Parish Council's administration and procedures. The conduct of Councillors is covered by The Suffolk Local Code of Conduct for Members adopted by the Council on 5th July 2012 and complaints should be made to the Monitoring Officer at Waveney District Council (email: standards@waveney.gov.uk). Complaints against policy decisions made by the Council shall be referred back to Council (but note that the Council's Standing Orders require that issues shall not be reopened for six months).
2. If a complaint about the Council's procedures or administration is notified orally to a Councillor or the Clerk, they should seek to satisfy the complaint fully. If that fails, the complainant should be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.
3. If the complainant prefers not to put the complaint to the Clerk, he or she shall be advised to put it to the Chairman of the Council.
4. On receipt of a written complaint, the Clerk or the Chairman (as the case may be) shall *except where the complaint is about his/her own actions* try to settle the complaint

directly with the complainant within the existing policy of the Council, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.

Where the Clerk receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Chairman.

Where the Chairman receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Council.

5. The Clerk or the Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
6. The Clerk or the Chairman shall bring any written complaint that has not been settled to the next meeting of the Council. The Clerk shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered an opportunity to explain the complaint orally. (Unless such a matter may be related to Grievance, Disciplinary or Standards Board proceedings that are taking, or likely to take place when such a hearing may prejudice those hearings, when the complaint will have to be heard under Exempt Business to exclude any member of the public or the press, or deferred on appropriate advice received).
7. The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.
8. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
9. As soon as may be practicable after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
10. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council shall consider taking legal advice before responding formally to the complainant.

This policy was adopted by Ashby Herringfleet & Somerleyton Parish Council on 12th May 2016