DRAFT V2 ISSUED MAY 2025

COMPLAINTS POLICY & PROCEDURE

Contents

Introduction....1
Informal Complaints....2
Formal Complaints....3
Formal Complaints about Officers/Employees....3
Formal Complaints about the Council, Committees or Decisions....3
Vexatious complaints....4
Anonymous complaints....4

Introduction

1.1 The Tawstock Parish Council **(TPC)** recognises that it is not subject to the jurisdiction of the Local Government Ombudsman (LGO) but has adopted this Policy based on LGO guidance to ensure that complainants are properly and fully considered.

1.2 TPC is committed to providing a quality service to benefit the residents of Tawstock and will monitor complaints to ensure they can be used to contribute to continuous service improvement.

1.3 A complaint is an expression of dissatisfaction about TPC action or lack of action or about the standard of a service, whether by the council itself or a person or body acting on behalf of the council.

1.4 TPC does not consider formal complaints against Councillors. Specific arrangements prescribed in law are in place in respect of complaints about actions of Councillors. These are dealt with in accordance with TCP adopted Code of Conduct by North Devon District Council's Monitoring Officer (See Appendix 1 for further details).

1.5 A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

1.6 All complaints will be treated in accordance with TPC policies relating to the current Data Protection legislation.

1.7 This Policy does not cover:

Type of complaint	Refer to
A Council employee and the Council as employer	Disciplinary Procedure
Individual Councillor conduct alleged to breach the code of conduct adopted by the Council.	North Devon District Council is responsible for handling complaints that relate to a Member's conduct. Complaints should be addressed to the Monitoring Officer at North Devon District Council
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (S.16 Audit Commission Act 1998)
Alleged criminal activity	Devon and Cornwall Police
Vexatious/Persistent	Persistent and Vexatious communications Policy

Informal Complaints

2.1 TPC receives queries, problems and comments as part of its day-to-day operations and these will not ordinarily be considered as complaints, but as routine and expected matters which will generally be resolved to the residents'/customer's satisfaction.

2.2 If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue will be recognised as an informal complaint.

A complaint may relate to activities or actions where: -

- The Council has not done something it has a duty to do or normally does.
- The Council has done something it has no right to do or does not normally do as a matter of course.
- The conduct or behavior of an employee is unsatisfactory.
- The levels of service delivery fall below what are expected.
- A person does not understand or is not informed of why or how a situation arose or exists.
- An adopted procedure is not followed.
- Maladministration is alleged

2.3 TCP will seek to resolve all complaints informally prior to a formal complaint being lodged.

2.4 An informal complaint is made to the TPC Clerk who will liaise with the complainant to seek resolution.

2.5 Should, in the opinion of the TPC Clerk or Chair, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.

2.6 There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

2.7 The Council will endeavor to deal with informal complaints within 14 working days of receipt.

2.8 The complainant should be advised that if they remain unsatisfied with the response, they have the right to then make a formal complaint.

Formal Complaints

3.1 `Where possible, TPC would wish to solve any complaint informally prior to a formal complaint being lodged. All formal complaints shall be acknowledged within two weeks and complainants will be kept informed on the progress and likely timescale of the complaint investigation.

Formal Complaints about Officers/Employees

4.1 Formal complaints about an employee of TPC must be made in writing to the TPC Clerk, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

4.2 Complaints about the Parish Clerk must be made in writing to the Chair of TPC setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

4.3 The complainant will be informed that an investigation will take place, which may result in the complaint being progressed under the council's disciplinary policy. Timescales will vary depending on the nature of the complaint but the Council will endeavour to complete its investigation within 6 weeks of receipt.

4.4 The response following investigation will confirm whether or not TPC finds the complaint justified. If found to be a valid complaint, the response should focus on learnings and actions to be taken by the council to prevent any similar issues in future (e.g. training).

4.5 Any matters dealt with through the Disciplinary Procedure, following the initial investigation, are strictly confidential and cannot be disclosed to the complainant.

Formal Complaints about the Council, Committees or Decisions

5.1 Complaints about the activity or decisions of the council should be made to TPC Clerk in writing, providing any additional information that will enable the complaint to be investigated.

5.2 TPC will only consider complaints about its formal (council/committee) decisions where the complainant puts forward missing information or evidence to suggest that the council has erred in its decision making.

5.3 Residents have the opportunity to influence TPC decision-making by speaking at the meeting at which the decision is to be made or by submitting comments in writing to the Parish Clerk or to your Councillor in advance of the meeting.

Please note that Parish Council Standing Orders prevent it re-considering a decision within six months unless there are exceptional grounds to do so.

5.4 The complaint shall first be considered by the Parish Clerk, Chair of TPC and Chair of the relevant committee who shall seek to resolve the issue or explain the background to the decision. The panel may escalate the complaint to

the appropriate committee or Full Council should they consider they are unable to resolve it.

5.5 Timescales will vary depending on the nature of the complaint and dates of relevant committee meetings. The Council will endeavour to respond to a formal complaint within 12 weeks of receipt.

5.6 The response following investigation will confirm whether or not TPC finds the complaint justified. If found to be a valid complaint, the response should focus on learnings and actions to be taken by the council to prevent any similar issues in future (e.g. procedural changes or improvements in service delivery).

5.7 Should the complainant be dissatisfied with the response from the panel or relevant committee, they should request an appeal. This will result in a Complaints Panel being convened to consider the original complaint, outcome and appeal.

5.8 If a Complaints Panel is convened, the complainant may be invited to attend and to be accompanied by a representative of their choice. The outcome will be confirmed in writing to the complainant within seven working days of the meeting.

5.9 Records shall be kept detailing all complaints, actions undertaken and the outcome.

Vexatious complaints

6.1 A vexatious complainant is one who persists unreasonably with their complaints or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly. If such complaints affect TCP ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information. If a complainant is to be classified as vexatious, they shall be informed so and given a timescale of how long this will remain the case. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.

6.2 The term complainant includes anyone acting on behalf of a complainant in a vexatious manner.

Anonymous complaints

7.1 Anonymous complaints will not normally be considered but will be referred to the Parish Clerk and may be acted on at their discretion, according to the type and seriousness of the allegation and the information provided.

Contacts

The Clerk of Tawstock Parish Council

Telephone: 01271 374428 Clerk Martyn Isaac tawstockparishcouncil@gmail.com

The Chair of Tawstock Parish Council

Details can be found via the following link.

https://www.tawstockparishcouncil.com/councillors

Appendix 1

Complaints against a councillor

How to complain about a councillor and how it will be dealt with.
It is important that the public and organisations in our district have confidence in local democracy, and in those of our community who have been elected or appointed to serve on our local councils.

In this regard, the district council and all parish and town councils in the area have adopted a Code of Conduct, setting out how councillors should behave.

Our councillors are expected to live up to high standards of behaviour and demonstrating that they do so underpins public confidence in local democracy.

The Governance Committee has a statutory responsibility for promoting high standards in local councillors, which it does through training and assisting councillors in their understanding of the Code of Conduct and Principles of Standards in Public Life.

The council's Monitoring Officer works with the Governance Committee and, along with the Governance Committee, has the responsibility for investigating and deciding on allegations that a councillor's behaviour may have breached the Code of Conduct. If a breach is found, the remedy will vary depending on the circumstances, but it could include a censure or a request to undergo training or issue an apology.

The committee is made up of nine councillors. One other important aspect of the ethical framework in the area is the Independent Person. This is a person appointed by the council to give a view on any complaints before a final decision is taken. The appointed person is completely independent from the council and is selected after a public advertisement.

Complaints against District, Town and Parish Councillors

Please write to the Council's Monitoring Officer at North Devon Council, PO Box 379, Barnstaple, EX32 2GR. Please note that the Council will only allow anonymous complaints if there are exceptional compelling reasons why they could be accepted without detriment to the process and where the allegation can be evidenced without reference to you as a complainant. Where you wish to submit an anonymous complaint, please email monitoringofficer@northdevon.gov.uk with reasons as to why.