

BEER PARISH COUNCIL COMPLAINTS PROCEDURE

This Complaints Procedure applies to complaints about Council services, administration and procedures and may include complaints about how Council employees have dealt with your concerns.

This Complaints Procedure does not apply to:

- a) complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- b) complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members as adopted by the Council and, if a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer of East Devon District Council. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer

1. A complainant should be asked to put a formal complaint about the Council's procedures or administration in writing to the Clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the Clerk or other nominated officer, he or she should be advised to address it to the Chairman of the Council.
3. The Clerk or other nominated officer shall acknowledge receipt of the complaint in writing within seven clear working days and advise the complainant when the matter will be considered by the Council or by the committee established for the purposes of hearing complaints. The complaint should be heard and a response sent within 28 clear working days. The complainant should 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 (if, for example, the complaint is to be heard by a committee). If the complainant decides to waive confidentiality the Council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.
4. The Council's complaints procedure should be accessible to the complainant. In any event, it should be well publicised and accessible via the Council's Publication Scheme.
5. All formal complaints will be referred to the Finance & General Purposes Committee. The committee will, in the first instance, attempt to resolve the complaint based on

written representation. If further information is required, the committee may invite the complainant to attend a meeting to make verbal representation and to bring with them a representative if they wish.

5.1 The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.

5.2 The Chairman of the Council or committee hearing the complaint should introduce everyone and explain the procedure before the committee reviews the written representation. At the Chairman of the Council or committee's discretion, the complainant (or representative) may be invited to make verbal representation. If the Council is in closed session, the complainant (or representative) will then be asked to leave the meeting while members decide whether or not the grounds for the complaint have been made.

6. Within 28 clear working days of receiving the original written complaint, the Council should write to the complainant to confirm whether or not it has upheld the complaint. The Council should give reasons for its decision together with details of any action to be taken by the Council if appropriate.
7. If the complainant is dissatisfied with the response to the complaint, he or she may ask for the complaint to be referred to the Appeals Committee of the Parish Council who will notify the complainant in writing of the outcome of the review of the original complaint (within 8 weeks). NB. The Appeals Committee comprises those Councillors not on the Finance & General Purposes Committee.
8. In the event of vexatious, unreasonable or malicious complaints and specifically when the Council's Complaints Procedure has been fully and properly implemented and exhausted, the Council reserves the right, having requested the complainant desist from the inappropriate action, to cease communication with the complainant.

Adopted June 2021
Reviewed Annually

1 June 2021/AD