

FROGMORE & SHERFORD PARISH COUNCIL

COMPLAINTS PROCEDURE

Introduction:

Frogmore & Sherford Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to investigate all complaints promptly in an impartial manner and to find a solution that is satisfactory to both the complainant and the Council.

Parish Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman, and there are no provisions for another body to which complaints can be referred. The Council will therefore do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council.

Frogmore and Sherford Parish Council's Complaints Procedure against any individual Council Member's Conduct is in line with the Local Government Association's revised Template for Resolving a Non-Criminal Breach of Conduct as part of its proposed new Model Member Code of Conduct.

At its meeting of the 21st September, the Parish Council formally agreed to adopt the **Procedure for the Internal Resolution of a Non-Criminal Breach of Member Conduct** as its Complaint Procedure. This means that in the first instance you should contact the Parish Council with any complaint of misconduct, criminal or otherwise against an individual councillor.

Definition of a Complaint:

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service provided by the Council itself or a person or body acting on behalf of the Council.

The following are **excluded** from this procedure:

Type of Conduct	Refer to
Financial Irregularity	Complaints about financial irregularity should be referred to the Council's auditor, the name and address of whom may be obtained from the Clerk (Local electors' right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998)
Criminal activity	The Police
Employee Conduct	Internal disciplinary procedure. If the complaint concerns the Clerk the complaint should be made in writing to the Chairman of the Council.

The procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council for consideration.

The Complaints Procedure:

- Any **allegation is to be made in writing** to the Chairman of the Parish Council or if about the Chairman, to the Parish Clerk. Contact details for Council Members can be found at: frogmoreandsherford.co.uk/councillors

The complaint must include:

Name, address, and preferred contact information.

Details of the complaint about the Council's procedures or administration.

How the issue has affected the complainant.

Copies of any relevant documents or other evidence.

Details of any third parties and their involvement.

In the opinion of the complainant, what steps should The Council take to best resolve the matter.

Information pertaining to complaints will be held in accordance with General Data Protection Regulations. Data may be shared with other parties in accordance with the outlined procedure.

- The **Parish Clerk** is the preferred Council's nominated **Independent Person**.
- The Chairman/Vice Chairman and the Parish Clerk to **informally liaise** with the affected party/ies as to procedure and resolution.
- If it is believed that the complaint is the result of a misunderstanding or similar minor issue, the Chairman/Vice Chairman may attempt to resolve the issue informally.
- If a complaint is to be withdrawn, a request to do so must be made **in writing** either to the Chairman or the Parish Clerk. Unless a written retraction is received, The Council will continue to follow procedure.
- If the complaint is unable to be resolved informally, the allegation **is to escalate by referral of the Chairman/Vice Chairman to the full council (the Local Standards Committee)** as a Confidential Agenda Item under Correspondence without public present at the end of the next meeting.
- If it is deemed by the Parish Council at a full meeting that a **breach of member conduct has occurred** or if the allegation was of a **serious or criminal nature**, the matter to immediately be escalated to the South Hams District Council's **Monitoring Officer**. This would be done by the Chairman, or the Parish Clerk should be Chairman be the subject of the complaint. The Monitoring Officer would liaise with both member(s) and complainant, to facilitate further investigation.
- If the allegation is **NOT of a serious or criminal nature**, and the **Council agrees** that there has been **NO breach of conduct**, the Chairman to write to the affected party/ies to explain the Council's findings and ascertain whether they are **willing to accept the decision**, or whether they wish to escalate their complaint to the Monitoring Officer for further investigation and mediation.
- Referral to the Monitoring Officer** also to be made if the **Council is unable to agree** that there was **no breach of the Code of Conduct** or, the **affected parties do not accept the council's decision** or suggested actions to resolve the issue. South Hams District Council's decision on any sanctions for any Parish Councillor is binding.
- The Council is to offer relevant **training** where the breach was a result of inadequate or lack of training.

Additional measures may be taken at the discretion of The Council:

- **Appropriate practical support** will be given by way of peer support where a member finds themselves subject to an allegation of breach of conduct which they believe impedes their ability to perform their normal duties.
- Where the breach is considered of a **serious nature**, a bar on chairing the Council, chairing advisory or special committees for up to 2 months.
- Where of a **serious nature**, suspension of relevant sub-committee participation for 2 months.
- If the member accused of breach of conduct decides to seek **independent advice**, the Council would still follow its own procedure and liaise with the member as normal.
- The Council may seek public or private sector advice as deemed necessary.