

Cutcombe Parish Council

PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL

Introduction

The following procedure has been adopted for dealing with complaints about Cutcombe Parish Council's (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.

This procedure does not cover complaints about the conduct of a Member of the Parish Council. Councillors sign up to a Code of Conduct on taking office. A member of the public who wishes to submit a complaint for breach of this code should do so to the Monitoring Officer a Somerset West and Taunton District Council - [Contact us \(somersetwestandtaunton.gov.uk\)](http://somersetwestandtaunton.gov.uk). Complaints made by members of staff will be handled by Councillors outside of this policy.

Complaints

The Council defines a complaint as an expression of dissatisfaction about the Council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council. This may include an allegation of administrative fault such as not following procedures or standing orders, inadequate or no service, delay or error. All complaints are treated as being made about the Council as a body corporate.

Complaints should be made in writing, explaining the nature of the complaint including what has happened and when, and the resolution being sought. Any evidence in support of the claim should be provided to the Council in writing. In exceptional circumstances, for example where reasonable adjustments are required, complaints may be made orally.

Complaints should be submitted to the clerk by email to cutcombeclerk@gmail.com. They may be sent via post to Luxborough Parish Council c/o Edhen Bank, Luxborough, Watchet, Somerset TA23 0SP. Complaints concerning the clerk should be made to the chair, details will be found on the Cutcombe Parish Council website – [Wheddon Cross and Cutcombe community website, Exmoor National Park, Somerset, UK Cutcombe Parish Council](#)

Complaints Process

Upon receipt of a complaint, the clerk or other nominated officer will acknowledge the complaint within seven working days and confirm in writing the manner in which the complaint will be reviewed, when and by whom.

Wherever possible the clerk will seek to resolve complaints directly with the complainant. If this is not possible complaints will generally be heard by the full Council at an Ordinary Meeting, although this process may be varied if necessary due to the specific circumstances. The clerk will consult with the chair/vice chair to determine the appropriate route for considering the complaint including whether it warrants discussion at a Council meeting in the absence of the press and public.

Wherever appropriate the complaint will be treated as confidential, however the complainant may waive his or her rights to confidentiality should they wish. If the complaint concerns a member of the Council or an employee, the clerk will notify the person and offer the opportunity for comment on the manner in which it is intended to try and settle the complaint.

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When handling complaints the Council will have due regard to its obligations to securely process personal data under the General Data Protection Regulations and Data Protection Act 2018.

Before the Meeting

1. The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the clerk or other nominated officer, along with any evidence which supports the complaint. If the complaint 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 date and nature of the complaint.
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 chair of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council. 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.
4. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press and agree the necessary motion prior to the complaint being considered.
7. The chair should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii) members.
9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision. Any decision on a complaint shall be announced at the council meeting in public. If the decision is unlikely to be finalised on that day the complainant

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should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

13. The decision should be confirmed in writing within seven working days of the meeting together with details of any action to be taken or remedies to be provided. If it is necessary for the Council to take further advice for example from its insurers or legal representatives additional time may be necessary before a the response to the complaint is provided.
14. Remedies will be proportionate according to any proven harm, injustice or loss to the complainant due to the Council's actions or inaction. The purpose of a remedy will always be to put the complainant back into the position he or she would have been in had the cause of the complaint not occurred. Any contribution of the complainant to the matters complained about will be taken into account when considering remedies.
15. Remedies will vary according to the individual circumstances of each case and may include an apology, an explanation of how the Council has amended its practices in the light of the findings from the complaint or a consolatory payment for distress and inconvenience. In exceptional circumstances a remedy may involve financial compensation.
16. Any remedies must be within the powers of the Council and will be offered in full and final settlement of the complaint.
17. Due to its limited size and resources, the Council is unlikely to be able to offer a further stage of complaint. Any confirmed outcome represents the end of the complaints process. No further correspondence will be entered into, save for one round of correspondence explaining anything not clear from the outcome of the complaint.

[Prepared by Clerk 27/8/2021]

Adopted by Cutcombe Parish Council 19 October 2021