

# Yarnscombe Parish Council

## Complaints Procedure



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Version:	1.2		
Date:	19 May 2019		

## Document History

Version	Date	Author	Reason for Change
0.1	23/05/2017	Martina Dymond	First draft.
1.0	24/05/2017	Martina Dymond	First formal issue following Council approval, 24/05/2017.
1.1	28/05/2018	Richard Pengilley	Updated telephone number for Local Government Omdsman following annual review.
1.2	19/05/2019	Richard Pengilley	Updated contact details for Torridge District Council Senior Solicitor following annual review.

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## 1 Introduction

The following procedure will be adopted for dealing with complaints about the administration or procedures of Yarnscombe Parish Council (“the Council”). Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

This procedure does not cover complaints about the conduct of a Member of the Council. Such complaints are dealt with as specified in the Council’s “Standing Orders” document.

## 2 Procedure

1. If a complaint about procedures, administration or the actions of any of the Council’s employees 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 nature of the complaint.
2. The complainant will be asked to put the complaint in writing by letter, e-mail or using the Complaints Form in Appendix A to the Clerk to the Council:

Martina Dymond  
1 West View  
Yarnscombe  
Barnstaple  
EX31 3LP  
E-mail: clerk4yarnscombe@hotmail.co.uk  
Tel.: 01769 560049

The complaint will be dealt with within 14 days of receipt.

Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

3. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example) he or she should be advised to write to the Chair of the Council:  
Chris Brice  
Netherne  
Yarnscombe  
Barnstaple  
EX31 3LY  
E-mail: chrisebrice@gmail.com  
Tel.: 07972 376688
  - (a) On receipt of a written complaint, the Clerk to the Council (except where the complaint is about his or her own actions) or Chair of the Council (if the complaint relates to the Clerk) will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
  - (b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk’s actions, he or she shall refer the complaint to the Chair of the Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
4. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
5. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.

6. Matters relating to Grievance or Disciplinary proceedings that are taking place, or are likely to take place, should be dealt with in accordance with the Council's Grievance And Discipline Procedures.
7. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
8. The Council may consider in the circumstances of any particular complaint whether to make any "without liability" payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
9. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
10. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next Council meeting after the advice has been received.

### 3 Recourse in Case of Dissatisfaction

If a complainant thinks that their complaint has not been dealt with adequately they should contact in the first instance Torridge District Council's Senior Solicitor, Staci Dorey, via telephone on 01237 428700 or e-mail at [staci.dorey@torridge.gov.uk](mailto:staci.dorey@torridge.gov.uk).

If they remain dissatisfied with the written reply they can have the matter reviewed by the Head of Paid Service, Jenny Wallace, via telephone on 01237 428700 or e-mail [jenny.wallace@torridge.gov.uk](mailto:jenny.wallace@torridge.gov.uk).

If they are still not satisfied with the way their complaint has been dealt with they can contact the Local Government Ombudsman who investigates cases where injustice may have resulted from maladministration. This is when the complainant feels the Council

- took too long to do something;
- did not follow its own rules or the law;
- broke its promises;
- treated someone unfairly;
- gave wrong information;
- did not make a decision in the correct way;
- did not provide a service or benefit that someone was entitled to or delayed providing this service.

The Local Government Ombudsman can be contacted by visiting the website [www.lgo.org.uk](http://www.lgo.org.uk), by e-mail [advice@lgo.org.uk](mailto:advice@lgo.org.uk), or via telephone on 0300 061 0614 (including to find out how to contact by writing a letter).

### 4 Monitoring

This document will be reviewed at each Annual Parish Council Meeting and any required changes incorporated in a reissue. In addition, any parish councillor may raise a written proposal at any intermediate parish council meeting to modify or add to the document.

## A Complaints Form

*[The remainder of this page is intentionally left blank]*

**YARNSCOMBE PARISH COUNCIL  
COMPLAINTS FORM**

(Please refer to our Complaints Procedure document for guidance.)

Name:
Address:
Postcode:
Telephone:
E-mail:
<b>Description of your complaint (please be as specific as possible):</b>

*(Continued overleaf)*

**Please use the space below to provide any additional information about your complaint:**

**What would you like Yarnscombe Parish Council to do to put matters right?**

Please return this form to:  
Martina Dymond  
Clerk to Yarnscombe Parish Council  
1 West View  
Yarnscombe  
Barnstaple  
EX31 3LP  
E-mail: [clerk4yarnscombe@hotmail.co.uk](mailto:clerk4yarnscombe@hotmail.co.uk)  
Tel.: 01769 560049  
[www.yarnscombe.org.uk](http://www.yarnscombe.org.uk)