

CROSBY RAVENSWORTH PARISH COUNCIL – WORKING FOR THE COMMUNITY

Clerk to the Council: Christian Barnes, West House, Tenter Row, Crosby Ravensworth, Penrith, Cumbria, CA10 3HY. t. 07584 251 448, e. crpc@vistaprojects.co.uk

Crosby Ravensworth Parish Council Complaints procedure

1.1 Crosby Ravensworth Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area. If anyone is dissatisfied with the standard of service received from this Council, or are unhappy about an action or lack of action by the Council, its Officer and its Members, this Complaints Procedure sets out how a complaint can be made and how we shall try to resolve that complaint.

1.2 Crosby Ravensworth Parish Council has adopted this complaints procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to which they have been made. This procedure follows the best practice code issued by the National Association of Local Councils (Circular 2/86) with additions.

1.3 Please note that the appropriate time for influencing Council decision-making is by raising any concerns and information that may assist the Council in making a decision, before the Council debates and votes on the matter. This may be done by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise concerns in the public participation section of Council meetings. Please note that the Council will not re-open issues for six months from the date of the decision, except as set out below.

1.4 It should be noted that this Complaints Procedure does not apply to complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer.

1.5 There are a number of ways we will deal with a complaint, depending on what the complaint relates to. This procedure only applies to complaints received by the Council in writing. If the complaint is received verbally by the Clerk or a Councillor, wherever possible they will try to satisfy the complainant immediately. Where this is not possible, the complainant will be asked to put the complaint in writing so it can be dealt with under this process.

1.6 The Clerk to the Council (or Chairman or Vice Chairman as appropriate) shall maintain a detailed register of all correspondence, telephone calls, meetings and action taken relating to the complaint.

2.0 Conduct of Members

Complaints relating to the conduct of Members shall immediately be referred to Eden District Council's Monitoring Officer and shall not be dealt with under the Parish Council's Complaints Procedure (see contacts at the end of this document).

3.0 Financial Irregularity

When a complaint relates to a financial irregularity, local electors will be informed that they have a statutory right to object to the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.

4.0 Criminal Matters

Complaints relating to criminal activity of any Members or Officers of the Council shall immediately be referred to the Police.

5.0 Complaints regarding the Clerk

Any complaint regarding the conduct of the Clerk to the Council shall be considered by a committee comprising the Chairman of the Council, the Vice- Chairman of the Council and one other Member of the Council who shall be elected by the full Parish Council for that purpose.

5.1 The complaint must be in writing and will follow the process as complaints regarding the Council's procedures, administration and decision making as outlined below, except once a decision is reached it will be final.

5.2 In all circumstances a complaint against the clerk will warrant the exclusion of the public and press whilst the matter is being considered.

5.3 The complainant shall be given the opportunity to speak during a meeting subsequent to the complaint being made. The complainant should then outline the grounds for complaint and thereafter may be asked questions by Members and the Clerk to the Council.

5.4 The Clerk to the Council will be given an opportunity to speak and questions may be asked by the complainant or Members.

5.5 The Clerk to the Council and the complainant will then be asked to leave the room whilst committee Members decide whether or not the grounds for the complaint have been made.

5.6 If a point of clarification is necessary, both parties shall be invited back.

5.7 The Clerk to the Council and the complainant shall be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is to be communicated to them.

5.8 The decision, and any further action to be taken, shall be confirmed in writing to the complainant within 10 working days.

5.9 Any decision on a complaint shall be announced at the next Parish Council Meeting, in public.

6.0 Complaints regarding the Council's procedures, administration and decision making

Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within seven working days.

6.1 The Clerk will investigate each complaint, obtaining further information as necessary from you and/or members of the Council/external advisers.

6.2 If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Council.

6.3 The Clerk to the Council or Chairman of the Council shall report to the next Meeting of the full Parish Council any written complaint that has been resolved by direct action with the complainant received up to 10 working days prior to that meeting, or the following meeting if it is received within the 10 day period.

6.4 Where the complaint cannot be satisfied in this way, it shall be referred to the next full Parish Council meeting for consideration by the Council.

6.5 A specific Agenda item will be included for the Meeting for Members to consider and make a decision on the complaint.

6.6 If more information or more time is required because of the complexity of the complaint or information cannot be gathered in time for the next meeting, the complainant will be notified. All supporting information from the complainant e.g. documents, must be with the Clerk prior to 10 working days before the meeting.

6.7 The complainant will be advised of the date of the meeting to which the complaint will be referred. The complainant is welcome to attend and there may be the opportunity to speak during the public adjournment part of the meeting.

6.8 When the Meeting has been reconvened, the Parish Council shall decide whether the circumstances of the complaint warrant the exclusion of the public and press whilst the matter is being considered. The identity of the complainant will be only be made known to those who need to consider the complaint. However the content and result of the complaint will still be included in the public minutes of that meeting.

6.9 The Parish Council shall consider the complaint at the Meeting and shall, whenever possible, make a decision at that Meeting on whether to take further action or not regarding the complaint.

6.10 If a complaint cannot be decided at that Parish Council meeting, the complainant shall be kept informed of the Parish Council's actions and any progress that has been made.

6.11 The Clerk or the Chairman of the Council will notify the complainant within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of the complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, the complainant will be kept informed.)

7.0 What if the complainant is not happy with the outcome?

Crosby Ravensworth Parish Council will do its utmost to settle complaints and satisfy complainants in the interests of the good reputation of the Council on all matters regarding the Council's procedures, administration and decision making.

7.1 If the complainant is not satisfied with the response to their complaint they usually do not have any opportunity to refer their complaint to any other body for settlement as Parish Councils are not subject to the jurisdiction of the Local Ombudsman, and there is no independent body to which the complainant can turn for an independent formal assessment of the position.

7.2 However Crosby Ravensworth Parish Council will allow complainants to ask the Council to review the original decision.

7.3 This request must be made in writing, and must give reasons as to why the matter should be reconsidered. The Council will consider this request at the next full Meeting, or the one after if the request is received 10 or more working days before the next Meeting.

7.4 If it agrees to hear the complaint on this basis, the complainant will be notified within 10 days from the date of that Meeting with details of the Meeting when it will be considered, which will usually be the next Meeting.

7.5 The complainant shall be invited to attend the Meeting at which the complaint will be considered and shall be informed that they may bring a representative to support them if they so wish.

7.6 If new information is to be provided for this Meeting, 10 clear working days prior to the Meeting the complainant shall provide the Clerk (or Chairman or Vice Chairman as appropriate) with copies of any new documentation or other evidence upon which he or she shall rely. The Parish Council shall, if requested within 10 working days from the date of the meeting, provide the complainant with any documentation upon which they shall rely at the Meeting as promptly as reasonable, allowing the complainant the opportunity to read the material prior to the Meeting.

7.7 As before this may take place in a public adjournment which may or may not be with the press and public in attendance. The complainant and representative will be able to ask the Council questions, and the Council via the Chairman of the Meeting will be able to seek clarifications from the complainant and representative. If the matter is heard with the public and press excluded, the complainant and their representative will be asked to leave the meeting whilst a formal decision is taken.

7.8 Following the meeting the complainant will be notified in writing of the outcome of the review of the original complaint within 10 working days from the meeting, and the result will be reported in the minutes at the next Meeting of the full Council.

Contacts

Clerk: Christian Barnes, West House, Tenter Row, Crosby Ravensworth, Penrith, Cumbria, CA10 3HY. t. 07584 251 448, e. crpc@vistaprojects.co.uk

Adopted 7 March 2016 (147/15)

Chairman: David Hewitt (Chairman)
Bank Moor, Crosby Ravensworth, Penrith, Cumbria.
01931 715 000.

Monitoring Officer: Paul Foote, Monitoring Officer, Eden District Council, Town Hall, Penrith,
Cumbria, CA11 7QF. e. paul.foote@eden.gov.uk

Note 1 In exceptional circumstances where a written submission cannot be made the
Council will consider receiving a complaint which is not made in letter form, at its discretion