

CODE OF PRACTICE FOR HANDLING COMPLAINTS

Hessay Parish Council

PREFACE

From time-to-time, members of the public may have complaints about the administration or procedures of Hessay Parish Council. Local councils are not subject to the jurisdiction of the Local Government Ombudsman. Complaints should be submitted to the Standards Board for England where there is perceived to be a breach of Hessay Parish Council's Code of Conduct for members – which equates to the Model Code of Conduct Order 2001 re the Local Government Act 2000 Part III, particularly the sections dealing with Prejudicial Interest. With these exceptions, it is recommended for transparency in local government and for the benefit of good local administration that councils should adopt a standard formal procedure for considering complaints, whether made directly by complainants or referred back to the council from other bodies to which they have been made. The code of practice set out below is based on a recommended model in order to ensure that complainants can feel satisfied that, at the very least, their complaint has been properly and fully considered.

Councils have been urged to do their utmost to settle complaints and satisfy complainants in the interest of the good reputation of the council. Hessay Parish Council realises that, if a complaint cannot be settled by the Council, it cannot refer the complaint to any other body for settlement, but that an unsatisfied complainant may well try to enlist the services and backing of other individuals and bodies and pursue the complaint at a considerable expenditure of time and other resources to the Council.

Hessay Parish Council will bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

MODEL CODE OF PRACTICE IN HANDLING COMPLAINTS

Before the Meeting

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk to the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Clerk to the Council.
2. If a complainant indicates that he/she would prefer not to put the complaint to the Clerk of the Council, then he/she should be advised to put it to the Chairman of the Council.
3. The Clerk of the Council shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purpose of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.

5. At least 7 clear working days before the meeting, the complainant shall provide the Council with copies of any documentation or other evidence which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which it will rely at the meeting.

At the Meeting

6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is a complaint about the Clerk to the Council such that the Council or the Clerk to the Council believes that the matter may lead to a disciplinary hearing, then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
7. The Chairman of the Council will introduce everyone attending.
8. The Chairman of the Council will explain the procedure.
9. The complainant or their representative will outline the grounds for complaint.
10. The Members of the Council may ask any question of the complainant.
11. If relevant, the Clerk to the Council will explain the Council's position.
12. The Members of the Council may ask any question of the Clerk to the Council.
13. The Clerk to the Council and then the complainant will be offered the opportunity to have the last word (in that order).
14. The Clerk to the Council and complainant will be asked to leave the meeting while the Members of the Council decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties will be invited back.
15. The Clerk to the Council and complainant will return to the meeting to hear the decision or to be advised when the decision will be made.

After the Meeting

16. The decision will be confirmed in writing within 7 working days, together with details of any action to be taken.