

Marchington Parish Council

Code of Practice for Handling Complaints

Introduction

This code of practice deals with the handling of complaints about the administration or procedures of Marchington Parish Council. This presently remains outside the jurisdiction of the Local Government Ombudsman.

Complaints about an employee (i.e. the Clerk) should be dealt with as an employment matter and complainants can be assured that the matter will be dealt with internally and appropriate action taken.

Complaints about a Councillor are now subject to the jurisdiction of the Standards Board and complainants are advised to contact the Board or the local Monitoring Officer¹. Additional information is also available from the Clerk to the Parish Council.

This code of practice is therefore primarily aimed at situations where a complaint is being made about the administration of the Parish Council or about its procedures. This code of practice is not an appropriate means to address a complaint against an individual and the provisions described above should instead be used.

The object of this code of practice is to:

- Achieve a satisfactory outcome, if possible, for all parties involved
- Resolve the complaint at the earliest possible point in the process

Code of Practice: Before the meeting

1. If a complaint about procedures or administration is notified orally to the Clerk to the Parish Council or a Councillor the initial action must be to establish the real issues and attempt an immediate resolution. This is particularly the case when the issue is one of information, understanding or interpretation. If this immediate action fails to resolve the issue, the complainant should be offered the opportunity to discuss their issue with the Clerk and/or Chairman if they have not already been involved.
2. If it is still not possible to satisfy the complainant in full immediately, then the complainant should be asked to put the complaint in writing to the Clerk.
3. If a complainant does not wish to put the complaint to the Clerk, they may be advised to put it to the Chairman of the Council.
4. On receipt of a written complaint, the Clerk to the Council or the Chairman, as the case may be, shall (except where the complaint is about his/her own actions) try to settle the complaint directly with the complainant. If the complaint involves the actions of the Clerk to the Council or a Councillor, this shall not be done without notifying the person concerned and giving them an opportunity to comment on the manner in which it is proposed to settle

the complaint. Where the Clerk to the Council or Chairman receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Council.

5. The Clerk to the Council or Chairman shall report to the next meeting of the Council any written complaint resolved by direct action with the complainant.
6. The Clerk to the Council or Chairman shall bring any written complaint which cannot be settled to the next meeting of the Council, and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered and invite them to attend bringing with them such representative as they wish.
7. Seven clear working days prior to 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 they wish to rely at the meeting.

Code of Practice: At the meeting

8. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the Council meeting in public.
9. Chairman to introduce everyone and explain procedure.
10. Complainant (or representative) to outline grounds for complaint.
11. Councillors to ask any question of the complainant.
12. If relevant, Clerk/Chairman/Cllr. to explain the Council's position.
13. Councillors to ask any question of the Clerk/Chairman/Cllr.
14. Clerk/Chairman/Cllr. and complainant to be offered opportunity of last word (in this order).
15. Member of council and complainant to be asked to leave the room while Councillors 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.)
16. Member of council and complainant return to hear decision or to be advised when decision will be made.

Code of Practice: After the meeting

Decision confirmed to the complainant in writing within seven working days with details of any action to be taken.

¹ At the time of preparing this document, the local Monitoring Officer is Mr D. Duckitt, Head of Legal and Democratic Services.