PYECOMBE PARISH COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC

CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC

Operative date: 19th May 2015

OPENING STATEMENT
It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 has issued guidance (November 2008) for local councils.

Pyecombe Parish Council adopted the NALC guidelines and model code on 19th May 2015

GUIDELINES
It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct Refer to
Financial irregularity Local elector's statutory right to object Council's audit of accounts pursuant to The Local Audit and Accountability Act 2014.
On other matters, councils may need to consult their auditor /Audit Commission or for
Criminal activity - The Police
Town Councillor conduct In England a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority Council, Monitoring Officer
Employee conduct dealt with by internal disciplinary procedure. The complainant can be assured that the matter will be dealt with under the Parish Council's disciplinary procedures and appropriate action will be taken as required.
Important Notes
(i) The Code of Practice that follows is therefore aimed at those situations where a complaint is made about the administration of the Parish Council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.
(ii) The Code of Practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Parish Clerk or other officer or the Chairman

PYECOMBE PARISH COUNCIL
COMPLAINTS (FROM THE PUBLIC) CODE OF PRACTICE
Aims:
1. To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the Parish Council from other bodies.
2. To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
3. To make the process reasonable, accessible and transparent.
4. At all times, the rules of natural justice will apply and all parties shall be treated fairly.
5. All complaints shall be heard by the Parish Council.

THE CODE OF PRACTICE

Before the Meeting (Hearing)

1. The complainant shall be asked to put the complaint about the Parish Council's procedures in writing to the Parish Clerk.
2. If the complainant does not wish to put the complaint to the Parish Clerk, they may be advised to put it to the Chairman in writing.
3. The Parish Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council.
4. The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
5. Seven (7) clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the Parish Council with copies of any documentation or other evidence, which they refer to at the meeting. The Parish Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

At the Meeting (Hearing)

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next full Council meeting in 'open session.'
7. The Parish Chairman to introduce everyone.
8. The Chairman to explain the procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Council Members to ask questions of the complainant.
11. If relevant, the Parish Clerk or other nominated officer, to explain the Council's position.
12. Council Members to ask questions of the Parish Clerk or other nominated officer.
13. The Parish Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Clerk/officer followed by complainant).
14. The Parish Clerk or other nominated officer and complainant to be asked to leave the room while the Council Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.
15. The Parish Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

After the Meeting (Hearing)

16. Decision confirmed in writing within seven (7) working days together with details of any action to be taken.