

**HELLINGLY PARISH COUNCIL**

**CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC**

**To Be Re-Adopted by Council on 15th May 2019**

**CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC**

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 (February 2013) for local Councils.

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 to Council’s audit of accounts to s.16 Audit Commission Act 1998.On other matters, councils may need to consult their auditor/Audit Commission. |
| Criminal Activity | The police |
| Town Councillor Conduct | A complaint relating to a Member’s failure to comply with the Code of Conduct must be submitted to Wealden District Council, Monitoring Officer (tel 01323 443322 or [www.wealden.gov.uk](http://www.wealden.gov.uk)) for further information. |
| Employee Conduct | Dealt with by internal disciplinary procedure. |

Important Notes

1. 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.
2. 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 of the Council.

**HELLINGLY PARISH COUNCIL**

**COMPLAINTS (FROM THE PUBLIC) CODE OF PRACTICE**

**Aims:**

* 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.
* To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
* To make the process reasonable, accessible and transparent.
* At all times, the rules of natural justice will apply and all parties shall be treated fairly.
* All complaints shall be heard by the Parish Council’s Complaints Panel, which shall report its findings to Council.

The Complaints Panel shall comprise of 3 Councillors who shall be decided upon depending on the nature of the complaint.

**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, marked private and confidential.
3. The Parish Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Panel.
4. The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representative as they wish.
5. 7 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.

At the Meeting

1. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.
2. Chairperson to introduce everyone.
3. Chairperson to explain procedure.
4. Complainant (or representative) to outline grounds for complaint.
5. Members to ask any question of the complainant.
6. If relevant, the Parish Clerk or other Proper Officer to explain the Council’s position.
7. Members to ask any question of the Parish Clerk or other Proper Officer.
8. Parish Clerk or other Proper Officer and complainant to be offered opportunity of last word (in this order).
9. Parish Clerk or other Proper Officer and complainant to be asked to leave the room while 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).
10. Parish Clerk or other Proper Officer and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

1. Decision confirmed in writing within 7 working days together with details of any action to be taken.