

APPENDIX 4 TO THE STANDING ORDERS

CRONDALL PARISH COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS

Complaints about an employee of the Council should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a councillor are subject to the jurisdiction of the Standards Board for England. Complainants should be advised to contact the body directly or the District Monitoring Officer for further information; relevant information and contact details should be made available by the Clerk.

The following code of practice is aimed at those situations where a complaint has been made about the administration of the Council or about its procedures.

The Council may wish to establish a committee to deal with complaints. This avoids the need for full council to assemble and also makes the process less daunting for the complainant if they choose to attend a meeting in person. If a committee is formed, it should report its conclusions to the next council meeting.

Under the Local Government Act 2000, the District Standards Committee is empowered to promote and maintain high standards of conduct by the members of a parish council. Whilst this does not necessarily affect complaints about maladministration and procedure, the Council may consider it good practice to notify the standards committee that a local code for such complaints had been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or the Chairman.

It may be that the Clerk at the meeting represents the position of the Council. If the Clerk is putting forward the justification for the action or procedure complained of, he or she should not advise the Council or committee.

At all times the rules of natural justice will apply; all parties should be treated fairly and the process should be reasonable, accessible and transparent.

CODE OF PRACTICE

Before the Meeting:

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, they may be advised to put it to the Chairman of the Council.
3. The Clerk 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 purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 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.

At the Meeting:

6. 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.
7. The Chairman shall introduce everyone.
8. The Chairman shall explain the procedure.
9. The complainant (or representative) shall outline grounds for complaint.
10. Members may ask any question of the complainant.
11. If relevant, the Clerk shall explain the Council's position.
12. Members may ask any question of the Clerk.
13. The Clerk and the complainant shall be offered opportunity of last word.
14. The Clerk and complainant shall be asked to leave the room while Members decide whether or not the grounds for complaint have been made. If a point of clarification if necessary, both parties shall be invited back into the room.
15. The Clerk and complainant shall return to the room to hear the decision or be advised when a decision will be made.

After the Meeting:

16. A decision shall be confirmed in writing within seven working days together with details of any action to be taken.

Code of Practice for Handling Complaints adopted 18th September 2006