

Ouston Parish Council Complaints Procedure

[Quoted from article detailed below (1)]

Context of this Procedure:

“From time to time members of the public have complaints about the administration or procedures of a Parish, Town or Community Council. As Councils are not subject to the jurisdiction of the Local Ombudsman there is no independent body to which the complainant can turn for an independent formal assessment of the position. For the benefit of good local administration it is suggested that these Councils should adopt a standard and formal procedure for considering complaints either made by complainants direct or referred back to the Council from other bodies to whom they have been made.”

1. Receipt of a Complaint

On receipt of a complaint, the Clerk in consultation with the Chairman will ascertain the category of the complaint and take the relevant action with reference to the following:

Complaint Category & Action

A Financial Irregularity

The proper officer should endeavour to provide an explanation of the item. The Clerk may need to consult the auditor / Audit Commission.

If the complainant is not satisfied, the clerk should advise the complainant of the Local Elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.

B Criminal Activity

The clerk should refer the complainant to the Police

C Member conduct

If the complaint relates to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the local Standards Committee.

D Employee conduct

As an internal disciplinary matter, this should be dealt with under the Council's disciplinary procedure.

E Other

* Should be dealt with under the following complaints procedure:

2. Expressions of Dissatisfaction

Category E Complaints are expressions of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.

3. Meeting of the Complaints Committee

The Complaints Committee shall be called as an Emergency meeting by the Chairman or Vice-Chairman, and is bound by the Standing Orders of the Council.

Before the Meeting of the Complaints Committee

- a. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the clerk or other nominated officer.
- b. If the complainant does not wish to put the complaint to the Clerk or other nominated officer, he or she should be advised to address it to the Chairman of the committee.
- c. The Clerk or other nominated officer, in consultation with the appropriate Chairman, shall acknowledge receipt of the complaint and attempt to address the complaint. The complainant will be advised of this action; if they still wish to pursue the matter it will be considered by the Committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the committee agenda.
- d. The complainant shall be invited to attend a meeting of the Committee and to bring with them a representative if they wish.
- e. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

- f. 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 committee meeting in public.
- g. The Chairman of the committee should introduce everyone and explain the procedure.
- h. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by
 - (i) The Clerk or other nominated officer and then
 - (ii) members.
- i. The Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by
 - (i) The complainant and
 - (ii) members.
- j. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
- k. The Clerk or other nominated officer and the complainant should 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 shall be invited back.
- l. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

4. Further Action

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

The Council shall at all times apply the Code of Conduct (1) detailed by the National Associations of Local Councils "**Code of Practice for Local Councils in Handling Complaints**" National Circular 2/86 April 1986.