

CODE OF PRACTICE FOR LOCAL COUNCILS IN HANDLING COMPLAINTS

PREFACE

From time-to-time members of the public have complaints about the administration or procedures of a parish, town or community council. Local councils are not subject to the jurisdiction of the Ombudsman. Complaints may be submitted to the Standards Board for England where there is perceived to be a breach of The Parish Councils(Model Code of Conduct) Order 2001, particularly the sections dealing with Prejudicial Interest.. Other than that it is recommended for transparency in local government and for the benefit of good local administration that councils should adopt a standard formal procedure for considering complaints: either made by complainants directly or referred back to the council from other bodies to whom they have been made. The Model Code of Practice set out below is recommended as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

Councils are urged to do their utmost to settle complaints and satisfy complainants in the interest of the good reputation of the council. If a complaint cannot be settled by the council it cannot refer the complaint to any other body for settlement, but a complainant may well try to enlist the services and backing of other individuals and bodies and pursue the complaint at a considerable expenditure of time and other resources to the council.

Councils must bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

Councils are advised to adopt the Model Code before the notification of any complaints.

MODEL CODE OF PRACTICE IN HANDLING COMPLAINTS

1. If a complaint about procedures or administration is notified orally to a councillor or the Clerk to the Council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Clerk to the Council and receive an assurance on receipt that the matter will be dealt with promptly.
2. If a complainant indicates that he/she would prefer not to put the complaint to the

Clerk to the Council then he/she should be advised to put it to the Chairman of Council.

3. 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 own actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk to the Council or a Councillor without notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk to the Council or Chairman receives a written complaint about his own actions, he/she shall immediately refer the complaint to the council.
4. The Clerk to the Council or the Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The Clerk to the Council or the 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.
6. The council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is a complaint of the Clerk to the Council such that the council or the Clerk to the Council believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
8. In the event of serial facetious, vexatious or malicious complaints from a member of the public the council should consider taking legal advice before writing any letters to the complainant.