

INSTOW PARISH COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS

(Re-affirmed by IPC – 21st March 2019)

INTRODUCTION

It remains the position that the Local Government Ombudsman has no jurisdiction over parish councils. The question therefore arises as to what should happen if complaints are received about administrative procedures.

Complaints about an employee of the Council (e.g. the Clerk) 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 must be directed to the Ethics Committee or the Monitoring Officer of North Devon Council. Complainants should contact the Monitoring Officer directly at Brynsworth Environment Centre, Roundswell, Barnstaple EX31 3NP.

The Code of Practice as set out below is therefore aimed at those situations where a complaint has been made about the administration of the Council or about its procedures.

For the benefit of good local administration Instow Parish Council has resolved to adopt a standard and formal procedure for considering complaints either made by complainants directly or which have been referred to the Council from other bodies. The intention of such a procedure is to provide a policy in which complainants can feel satisfied that their grievance has been properly and fully considered.

Instow Parish Council believes that adopting such a policy is an effective way of dealing with complaints received and a means of preserving the good reputation of the Council through a transparent process.

Instow Parish Council will establish a committee to deal with complaints as and when the need arises. This will make the process less daunting for complainants if they choose to attend a hearing in person. Any committee so established will report its conclusions to the next Council meeting.

The Ethics Committee of North Devon Council is empowered to promote and maintain high standards of conduct by the members of Parish Councils. Whilst this does not necessarily affect complaints about maladministration and procedure, Instow Parish Council considers it good practice to notify the Ethics Committee of NDC that a local code for such complaints has been adopted. Instow Parish Council understands that this code of practice should not be confused with the procedure for complaints against individual members.

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

It may be that the Clerk or other Proper Officer represents the position of the Council at the hearing. If the Clerk or other Proper Officer 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. In other words, all parties will be treated fairly and the process will be reasonable, accessible and transparent.

CODE OF PRACTICE

Before the Hearing

1. The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated Proper Officer.
2. If the complainant does not wish to put the complaint to the Clerk or other Proper Officer, they may be advised to put it to the Chairman of Council.
3. The Clerk will 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 purpose of hearing the complaint.
4. The complainant will be invited to attend the relevant hearing and bring with them such representative as they wish.
5. 7 clear working days prior to the hearing, the complainant will provide the Council with copies of any documentation or other evidence that they wish to refer to at the hearing. The Council will similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Hearing

6. The Council will consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint will be announced at a Council meeting in public.
7. The Chairman will introduce everyone.
8. The Chairman will explain the procedure.
9. The complainant (or representative) will outline the grounds for complaint.
10. Members may ask any question of the complainant.
11. If relevant, the Clerk or other Proper Officer will explain the council's position.
12. Members may ask questions of the Clerk or other Proper Officer.
13. The Clerk or other Proper Officer and complainant will be offered an opportunity to make a final statement (in this order).
14. The Clerk or other Proper Officer and complainant will be asked to leave the room while Members decide whether or not the complaint is justified. (If a point of clarification is necessary, both parties are to be invited back).
15. The Clerk or other Proper Officer and complainant will be invited to return to hear the decision, or to be advised when the decision will be made.

After the Hearing

16. The decision will be confirmed in writing within 7 working days together with details of any action to be taken.

Signed: - (Chairman)

Signed: - (Clerk)

Date: -