

NEW BUCKENHAM PARISH COUNCIL

CODE OF PRACTICE AND PROCEDURE FOR DEALING WITH COMPLAINTS

WHY IS THIS NECESSARY?

From time-to-time members of the public have complaints about the administration or procedures of a parish or town council. Unlike principal authorities, parish and town councils are not subject to the jurisdiction of the Local Government 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 parish and town 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 which they have been made. The Code of Practice and Procedures, set out below, has been approved by New Buckenham Parish Council as a way of ensuring that complainants can feel satisfied that, at the very least, their complaint has been properly and fully considered.

It is in the Council's interest to do its 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 the complainant may well try to enlist the services and backing of other individuals and bodies, or have recourse to law and thus pursue the complaint at a considerable expenditure of time and other resources to the Council and community tax payers.

New Buckenham Parish Council is mindful of the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

HOW WILL A COMPLAINT BE DEALT WITH?

1. If a complaint about procedures or administration is notified orally to a parish, district or county councillor or the Clerk of New Buckenham Parish Council and it is not possible to satisfy the complainant in full immediately, the complainant will be asked to put their complaint in writing (or by email) to the Clerk of the Council and be given a written (or emailed) assurance on receipt that the matter will be dealt with promptly.
2. If a complainant prefers not to put the complaint to the Clerk of the Council then he/she will be advised to put it to the Chairman of the Council.
3. On receipt of a written complaint, the Clerk of the Council or the Chairman, as the case may be, shall (except where the complaint is about his/her 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 of the Council or a parish councillor without notifying the person complained of and giving him/her an opportunity to comment on the manner about which it is intended to attempt to settle the complaint. Where the Clerk of the Council or Chairman receives a written complaint about the actions of the Chairman such complaint shall immediately be referred to the Council.
4. The Clerk of 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 of the Council or the Chairman shall bring any written complaint which cannot be settled to the next meeting of the Council, and the Clerk of the Council shall notify the complainant of the time, date and place when 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 of the Council such that the Council or the Clerk of the Council believes 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 and in accordance with the Council's procedures.
7. As soon as may be after the decision has been made the decision 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.