



WORTH PARISH COUNCIL

COMPLAINTS PROCEDURE

1. Introduction and duties

- 1.1 It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9E has issued guidance (December 2018)

2. Guidelines

- 2.1 It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult with their auditor / audit commission.
Criminal activity	The police
Councillor conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to Mid Sussex District Council, Monitoring Officer
Employee conduct	Dealt with by internal disciplinary procedure

- 2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.
- 2.3 The code of practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk.

3. The code of practice

- 3.1 The aims of the code of practice are:
- To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the council from other bodies.
 - To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
 - To make the process reasonable, accessible and transparent.

- At all times, the rules of natural justice will apply, and all parties shall be treated fairly.
- All complaints shall be heard by the council's complaints panel which shall consist of 3 councillors, one of whom to be Chair/Vice Chair of a Standing Committee and shall report its findings to the Council.

4. Before the meeting

- 4.1 The complainant shall be asked to put the complaint about the council's procedures in writing to the Clerk.
- 4.2 If the complainant does not wish to put the complaint to the Clerk (as it may relate directly to the Clerk), they may be advised to put it to the Council Chairman in writing, marked private and confidential.
- 4.3 The complainant will be advised of their rights under the Data Protection Act 2018. His/her identity will only be made known to members of the Complaints Panel, unless the complainant waives his/her right to confidentiality.
- 4.4 The Clerk/Council Chairman shall acknowledge the receipt of the complaint within seven (7) working days and advise the complainant when the matter will be considered by the complaints panel. The complaints panel will be convened as soon as practical, but to be within one calendar month of date of receipt of complaint. Any extension must be agreed by both parties.
- 4.5 The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
- 4.6 Seven (7) clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the council with copies of any documentation or other evidence, which they intend to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

5. At the meeting

- 5.1 The press and public may be excluded from the meeting of the Complaints Panel, as per 4.3 above.
- 5.2 The panel chairman to introduce everyone.
- 5.3 The panel chairman to explain the procedure.
- 5.4 Complainant (or representative) to outline grounds for complaint.
- 5.5 Panel members to ask questions of the complainant.
- 5.6 If relevant, the Clerk or other nominated officer, to explain the council's position.
- 5.7 Panel members to ask questions of the Clerk or other nominated officer.
- 5.8 The Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Clerk/officer followed by complainant).
- 5.9 The Clerk or other nominated officer and complainant to be asked to leave the room while the panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.

- 5.10 The Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

6. After the meeting

- 6.1 Decision confirmed in writing within seven (7) working days together with details of any action to be taken.
- 6.2 The decision of the Panel will be reported at the next meeting of the Council; the identity of the complainant will not be disclosed as per 4.3 above

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