

## **NORTH HORSHAM PARISH COUNCIL**

### **CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC**

**Operative Date:** 23 September 2003 – as amended on 26 July 2005 (minute FC645(a) refers)

#### **OPENING STATEMENT**

It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils. The National Association of Local Councils (NALC) in Legal Topic Note 56 has issued guidance (July 2003) for local councils.

North Horsham Parish Council adopted the NALC guidelines and model code on 23 September 2003.

#### **GUIDELINES**

**Employees:** Complaints about an employee of the council (i.e. 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.

**Councillors:** Complaints about a councillor are now subject to the jurisdiction of the Standards Board for England. Complainants should contact the Standards Board directly (allegation enquiries: tel 0800 107 2001) or Horsham District Council Monitoring Officer (tel 01403 215100) for further information.

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 really an appropriate forum for a complaint against individuals, as the provisions available above cover these situations.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Parish Clerk or other proper officer or Council Chairman.

## **NORTH HORSHAM PARISH COUNCIL**

### **COMPLAINTS (FROM THE PUBLIC) CODE OF PRACTICE**

#### **Aims:**

1. To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the Parish Council from other bodies.
2. To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
3. To make the process reasonable, accessible and transparent.
4. At all times, the rules of natural justice will apply and all parties shall be treated fairly.
5. All complaints shall be heard by the Council's Complaints Panel, which shall report its findings to Council.

#### **THE CODE OF PRACTICE**

##### **Before the Meeting (Hearing)**

- 1 The complainant shall be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk.
- 2 If the complainant does not wish to put the complaint to the Parish Clerk, they may be advised to put it to the Council Chairman in writing.
- 3 The Parish Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Panel.
- 4 The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.
- 5 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 wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

### **At the Meeting**

- 6 The Complaints Panel 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 next Council meeting in public.
- 7 The Chairman to introduce everyone.
- 8 The Chairman to explain the procedure.
- 9 Complainant (or representative) to outline grounds for complaint.
- 10 Panel Members to ask any question of the complainant.
- 11 If relevant, The Parish Clerk or other Officer, to explain the Council's position.
- 12 Panel Members to ask any question of the Parish Clerk or other Officer.
- 13 The Parish Clerk or other Officer and complainant to be offered the opportunity of the last word (in this order).
- 14 The Parish Clerk or other 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).
- 15 The Parish Clerk or other Officer and complainant return to hear the decision, or to be advised when the decision will be made.

### **After the Meeting**

- 16 Decision confirmed in writing within seven (7) working days together with details of any action to be taken.