

TUNSTALL PARISH COUNCIL

COMPLAINTS PROCEDURE

Complaints about an employee of the Parish Council (i.e. The Clerk) should be dealt with as an employment matter. The complainant should be assured that the matter will be dealt with internally as such and appropriate action taken as required.

Complaints about a Councillor are dealt with by the Monitoring Officer of Swale Borough Council following the abolition of the Standards Board. Complaints dealt with by the Monitoring Officer relate mainly to Declarations of Pecuniary Interest; complaints concerning Members that fall outside of this may be investigated under the Code by the Council. Relevant contact details can be advised to the complainant.

This procedure is therefore aimed at those situations where a complaint has been made about the administration of the Parish Council or its procedures, not its policy decisions. It is not an appropriate forum for a complaint against individuals, as the provisions available above should cover those situations.

For the benefit of good local administration, it is recommended that every Council adopts a standard and formal procedure for considering complaints either made direct or referred from other bodies. Such a procedure is necessary to ensure that complainant feels satisfied that their grievance has been fully and properly considered.

Tunstall Parish Council views the adoption of a complaints procedure as an efficient way of dealing with complaints received and as a means of preserving the good reputation of the Council through a transparent process. If the Council fails to deal with complaints directly it may have to utilise other resources in dealing with outside bodies which the complainant has engaged to highlight further their dissatisfaction.

In the event of a complaint being lodged with the Parish Council, it may wish to establish a Panel to deal with this matter, thus avoiding the need for full Council having to assemble and makes the process less daunting for the complainant if they choose to attend the meeting in person. If a Panel is formed it should report its conclusions to the next Council meeting. These decisions have been incorporated into the Code of Practice included in this procedure.

The Local Government Act 2000 makes provision for the principal authority to promote and maintain high standards of conduct by the members of the Parish Council. Whilst this does not necessarily affect complaints about maladministration and procedure, a Parish Council may consider it good practice to notify the Monitoring Officer that a local code has been adopted for such complaints. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

If a complaint about procedures or administration practiced by the Parish Council is notified orally to the Clerk or Chairman, every effort should be made to settle the complaint directly with the complainant.

No complaint should be investigated by a single Councillor or employee, so that if any face to face meeting is arranged between a Councillor or employee of Tunstall Parish Council and a Complainant, there is more than one person present to represent the Parish Council, thus giving protection to the members of the Parish Council and its employees from any possible allegations of inappropriate behaviour.

The procedure is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chairman. The Code has been adapted to suit local circumstances from the advice offered by the National Association of Local Councils.

It may be that the Clerk at the meeting represents the position of the Council. If the Clerk is putting forward the justification for the action or procedure complained of, he/she should not advise the Council or committee.

At all times, the rules of natural justice will apply, that is that all parties should be treated fairly and the process should be reasonable, accessible and transparent.

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COMPLAINTS PROCEDURE – CODE OF PRACTICE

Before the Meeting:

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting:

6. The council 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 council meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by:
 - (i) the clerk or other nominated officer and then
 - (ii) Members.
9. The clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting:

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.