

EARSWICK PARISH COUNCIL

COMPLAINTS PROCEDURE FEBRUARY 2011

Complaints about 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.

Complaints about a councillor are dealt with by the monitoring officer at City of York Council. Complainants will be advised to contact the Monitoring Officer for further information. The parish council will supply relevant information and contact details to the complainant.

The code of practice which has been adopted by Earswick Parish Council is aimed at those situations where a complaint has been 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 will not cover these situations.

Earswick Parish Council holds the view that the adoption of this complaints procedure is an efficient way of dealing with complaints received and a means of preserving the good reputation of the council through a transparent process. If the council fail to deal with complaints directly, they may have to utilise other resources in dealing with outside bodies, which the complainant has engaged to further highlight their dissatisfaction.

If a complaint is lodged the council may decide to establish a committee to deal with the complaint. This would avoid the need for full council having to assemble and will also make the process less daunting for a complainant if they choose to attend a meeting in person. If a committee is formed, it will report its conclusions to the next council meeting.

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, the local council may consider it good practice to notify the monitoring officer that a local code for such complaints has been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

If a complaint is received orally by the clerk or chairman which relates to the procedures or administration practised by the council every effort should be made to settle the complaint directly with the complainant.

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 other proper officer or chairman.

It may be that the clerk or other proper officer at the meeting represents the position of the council. 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 should be treated fairly and the process should be reasonable, accessible and transparent.

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 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 the council.
3. The clerk shall 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 purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, 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 council or committee 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. Chairman or his deputy to introduce everyone.
8. Chairman or his deputy to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, the clerk to explain the council's position.
12. Members to ask any question of the clerk.
13. Clerk and complainant to be offered opportunity of last word (in this order).
14. Clerk and complainant to be asked to leave room while 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. Clerk and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

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

