

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 9 has issued guidance (February 2013) for local councils.

2. Guidelines

- 2.1 The code of practice that follows is 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.
- 2.2 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.
- 2.3 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 Catherine Knight District Council, Monitoring Officer |
| Employee conduct | Dealt with by internal disciplinary procedure |

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:

- i. That every person whose civil rights are affected, must have a reasonable notice of the case he has to meet.
 - ii. That he must have reasonable opportunity of being heard in his defence.
 - iii. That the hearing must be by an impartial tribunal.
 - iv. That the authority must act in good faith and not arbitrarily.
 - v. The order should be a speaking order.
- All complaints shall be heard by the council's complaints panel, which shall consist of three (3) Councillors, and shall report its findings to Peacehaven Town 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 Mayor in writing, marked private and confidential.
- 4.3 The Clerk/Mayor 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.
- 4.4 The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
- 4.5 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 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 complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next Council meeting in open session.
- 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. Town 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.