

HUGHENDEN PARISH COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS

(With effect from 8th June 2010, as RESOLVED at the Council Meeting on 8th June 2010)
For the purposes of this document, 'Chairman' means Chairman of the Council.

Under the Local Government Act 2000, the standards committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of the Parish, Town or Community Council. This does not necessarily affect complaints about maladministration and procedure, and must not be confused with the procedure available for complaints against individual members. This 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 nominated Officer or Chairman.

It may be that the Clerk or other nominated Officer at the meeting represents the position of the Council. If the Clerk or other nominated 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.

The Complaints Panel shall consist of the whole Council, with the exception of the Appeals Panel members. The Appeals Panel shall consist of the Chairman of the Council, the Chairman of the Finance & Administration Committee (if this is not the same as the Vice-Chairman) and two past Chairmen of the Council.

Before the meeting.

1. The complainant should be asked to address 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 address the complaint to the Clerk or other nominated Officer, they may be advised to address it to the Chairman of the Council.
3. The Clerk or other nominated Officer 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 for 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 the relevant meeting and 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, which they wish to refer to at the meeting. The Council shall also provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the complainant 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 of the meeting to introduce everyone and explain the procedure.
8. The complainant (or representative) to 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 to have the 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 summarize their position.
11. Clerk or other nominated Officer and complainant to 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 to be invited back).
12. Clerk or other nominated officer and complainant to 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. Decision to be confirmed in writing within 7 working days, together with details of any action to be taken.
14. If the complainant is dissatisfied with the Complaints Panel's decision, they have the right to make an appeal to the Appeals Panel of the Council, within one calendar month of the decision being notified.