KIRKBAMPTON PARISH COUNCIL

Complaints Procedure

INTRODUCTION

Complaints about any employee of the council 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 now submitted to the Monitoring Officer, Cumberland Unitary Authority for further action.

The code of practice within this guidance is therefore 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 should cover these situations.

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. Whilst this does not necessarily affect complaints about maladministration and procedure, the local council may consider it good practice to notify the standards committee 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.

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council (through the Clerk or Chairman) in advance of the meeting at which the item concerned is to be discussed. There is also the opportunity to raise your concerns in the public participation section of Parish Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

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 clerk represents the position of the council at the meeting. If the clerk 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. The address and number is set out below.

2. If the complainant does not wish to put the complaint to the clerk, they may be advised to put it to the chairman of the council. The address and number is set out below.

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 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 to introduce everyone.

8. Chairman to explain procedure.

9. Complainant (or representative) to outline grounds for complaint.

10. Members to ask any question of the complainant.

11. If relevant, 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.