

## **APPLETON WISKE PARISH COUNCIL**

### **COMPLAINTS PROCEDURE**

Complaints about an employee of the Parish Council (ie: 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 Hambleton District Council following the abolition of the Standards Board. 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's feel satisfied that their grievance has been fully and properly considered.

Appleton Wiske 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.

Any alleged financial irregularities can be referred to The Annual Auditor appointed to check and approve the annual accounts.

Any alleged criminal activity should be referred directly to the Police

Any alleged misconduct by a member of the Parish Council can be referred to The Monitoring Officer of Hambleton District Council.

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 practised 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 the Councillor or employee of Appleton Wiske 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.

## **APPLETON WISKE PARISH COUNCIL**

### **CODE OF PRACTICE**

#### **Before the Meeting**

1. The complainant should be asked to put the complaint about the Parish Council's procedures or administration in writing to the Clerk
2. If the complainant does not wish to put the complaint to the Clerk, he or she may advise the Chairman or Vice Chairman of the Parish Council
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Parish Council or a Panel established for the purpose of hearing complaints
4. The complainant should be invited to attend the relevant meeting and to bring with him or her such representative as he or she wishes
5. Seven clear working days prior to the meeting, the complainant shall provide the Parish Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Parish Council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting
6. The Parish Council may appoint a Complaints Panel to hear any such complaints. Any Councillor may be called upon to act on such a Complaints Panel which will comprise the Chairman or Vice Chairman, whichever Councillor received the complaint plus one other. No Councillor should be connected in any way with the matter that has led to the complaint

### **At the Meeting**

1. The Complaints Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Parish Council meeting in public
2. The Chairman will introduce everyone
3. The Chairman will explain the procedure to be followed
4. The Complainant or their representative will outline the grounds for complaint
5. Members will ask any questions of the complainant
6. If relevant the Clerk will explain the Parish Council's position
7. Members will ask any questions of the Clerk
8. The Clerk, if appropriate, and the complainant will be offered the opportunity of last word (in this order)
9. The Clerk, if appropriate, and the complainant will be asked to leave the room whilst Members decide whether or not grounds for the complaint have been made (If a point of clarification is required BOTH parties will be invited back
10. The Clerk and the complainant will return to hear the decision or formal recommendation to be made and advised when a decision will be made

### **After the Meeting**

1. Once a decision is made by the Parish Council this should be confirmed in writing within seven working days together with details of any action to be taken
2. Following the decision of the Parish Council on action to be taken, if necessary, the complaint may be referred to an Appeals Panel comprising the next most senior Member of the Parish Council in terms of continuous service, plus one nominated Member from each group represented on the Council. These should not be Members who have previously been involved in the Complaints Procedure. Their decision will be final and not open to further appeal