

# **BARLOW PARISH COUNCIL**

## **CODE OF PRACTICE IN HANDLING COMPLAINTS**

From time-to-time members of the public have complaints about the administration or procedures of Barlow Parish Council.

Local councils are not subject to the jurisdiction of the Ombudsman. It is, however, recommended for transparency in local government and for the benefit of good local administration that councils should adopt a standard formal procedure for considering complaints; either made by complainants directly or referred to the council from other bodies to whom they have complained.

The Code of Practice set out below is based on a recommended model, as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

Barlow Parish Council will be mindful of the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

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## **CODE OF PRACTICE IN HANDLING COMPLAINTS**

1. If a complaint about procedures or administration is notified orally to a councillor or the clerk to the council and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the clerk to the council.
2. If a complainant indicated that he/she would prefer not to put the complaint to the clerk to the council than he/she should be advised to put it to the chairman of the council.
3. The council will acknowledge receipt of any written complaint within five working days.
4. On receipt of a written complaint, the clerk to the council or the chairman, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant within the existing policy of the council, but shall not do so in respect of a complaint about the behaviour of the clerk to the council or a councillor without notifying the person complained of and giving her/him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the clerk to the council or chairman received a written complaint about her/his own actions, s/he will immediately refer the complaint to the council.
5. The clerk to the council or the chairman shall report to the next meeting of the council any written complaint disposed of by direct action with the complainant.
6. The clerk to the council or the chairman shall bring any written complaint that cannot be settled directly to the next meeting of the council. The clerk to the council shall notify the complainant of the date on which the complaint will be first considered.
7. All complaints against the council are personal to the complainant and will be treated as confidential unless the complainant confirms that he/she waives their right to confidentiality.
8. Furthermore, in the event that the complainant waives confidentiality, the council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is a complaint of the clerk to the council such that the council or clerk to the council believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is of any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 section 10. The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

9. In the event that the complaint cannot be fully investigated at the next council meeting. The council shall notify the complainant within three working days of the date on which the complaint shall be further considered and by whom, along with an opportunity for the complainant to make verbal representation if they so wish.
10. After the decision has been made and within five working days this and the nature of any action to be taken shall be communicated in writing to the complainant outlining any opportunity for appeal.
11. In the event of a serial facetious, vexatious or malicious complaint from a member of the public, the council should, consider taking legal advice before writing any letters to the complainant.