

Lower Beeding Parish Council

COMPLAINTS PROCEDURE

Lower Beeding Parish Council recognises that the Local Government Ombudsman has no jurisdiction over parish and town councils and therefore in the interests of reasonableness, accessibility, and transparency has put in place its own Complaints Procedure based on recommended good practice.

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council. The purpose of a complaints procedure is to put things right if things go wrong. At all times the rules of natural justice will apply.

It will not be appropriate to deal with all complaints from members of the public under this complaints procedure. For example, this procedure is not appropriate for use where a serious complaint is made against the conduct of an individual.

Consider engaging other procedures/bodies in respect of the following types of complaint:

- i) Financial irregularity: Refer to the local elector's statutory right to object to the Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor.
- ii) Criminal activity: Refer to the Police
- iii) Member conduct: A complaint relating to a member's failure to comply with the Lower Beeding Parish Council Code of Conduct should be dealt with by making a complaint directly to the Monitoring Officer at Horsham District Council.
- iv) Employee conduct: Refer to internal disciplinary procedure.

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Parish Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

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4. The complainant must put the complaint in writing (letter/e-mail) to the Parish Clerk c/o 1 Blakiston Close, Ashington, West Sussex RH20 3GL or emailclerk@lowerbeeding.com with a clear indication at the outset if the complainant wishes the complaint to be treated confidentially. The complaint will be acknowledged within 21 days of receipt.
5. If the complainant prefers not to put the complaint to the Parish Clerk (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chairman.
6. (a) On receipt of a written complaint, the Parish Clerk (except where the complainant is about his or her own actions) or Chairman of the Council (if the complaint relates to the Parish Clerk), will undertake an investigation of the facts of the complaint and collate relevant evidence before seeking to settle the complaint informally directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
(b) Where the Parish Clerk or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chairman of the Council (or Vice Chairman if the complaint also involves the Chairman) who will follow the process identified in a) above. The Parish Clerk will be formally advised of the matter and given an opportunity to comment.
7. The Parish Clerk (or Chairman) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Parish Clerk (or Chairman) will report any complaint that has not been resolved to the next meeting of the Council. The Council will then appoint a Complaints Committee of between 3 and 5 councillors to deal with the complaint. The Committee will decide whether to offer the complainant the opportunity to submit verbal or other evidence, and whether they may be accompanied by a friend to any meeting. The Clerk will notify the complainant of the date on which the complaint will be considered by the Committee and whether the complainant will be offered an opportunity to explain the complaint to the Council.
9. At the Complaints Committee meeting, the Clerk (or Chairman) shall explain how the meeting will proceed. Evidence will then be considered by the Committee which may include questions by the committee members of the complainant and/or investigator. Each party shall be given the opportunity to summarise their position. The Committee should then advise the complainant when a decision will be made, how it shall be communicated to them and their right of appeal to the Appeals Committee.

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10. The Council will aim to deal with the complete process within 12 weeks. If there are reasons this cannot be done, the Committee shall report directly to Council. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the earliest opportunity after the advice has been received.
11. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance or disciplinary procedures.
12. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
13. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's actions. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.