

**THE CIVIL PARISH OF
RYTON ON DUNSMORE
WARWICKSHIRE**

CODE OF PRACTICE FOR HANDLING COMPLAINTS

(Agreed at the Parish Council meeting held on 1st October 2014)

Guidance

It remains the position that the Local Government Ombudsman has no jurisdiction over parish councils.

Complaints about an employee of the council (i.e. the clerk) should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally and appropriate action taken as required.

Complaints about a councillor are subject to the jurisdiction of the principal authority monitoring officer. Complainants are advised to contact the Rugby Borough Council Monitoring Officer for further information.

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.

The formal procedure for considering complaints either made by complainants direct or which have been referred back to the council from other bodies is recommended as a way of ensuring that complainants can feel satisfied that their grievance has been properly and fully considered.

The complaints procedure is the way of dealing with complaints received and a means of preserving the good reputation of the council through a transparent process.

The Complainant will be asked at the outset if they want the complaint to be treated confidentially.

The Council will comply with its obligations under the Data Protection Act 1998 to safeguard against unlawful disclosure of personal data.

The council has established a panel to deal with complaints. This avoids the need for full council having to assemble and also makes the process less daunting for a complainant if they choose to attend a meeting in person. The Panel will report its conclusions to the next council meeting.

The Parish Council has notified the standards committee of Rugby Borough Council that a local code for complaints about maladministration and procedure has been adopted. Every effort must be made not to confuse this procedure with that available for complaints against individual members.

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This procedure is for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk or chairman.

Complaints must be made in writing to the Clerk or Chairman and must be within 12 months of notice of the matters that are subject to the complaint.

The Complaint will be acknowledged within 28 days with an explanation of who is investigating the complaint and how long it should take. Subsequently the complainant will be told how the complaint will be resolved e.g. by the Complaints Panel, and how that will proceed.

Where the clerk is putting forward the justification for the action or procedure complained of, the clerk should not advise the council or panel.

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.
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.
3. The clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the panel 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 panel 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.

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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.