



MELTON PARISH COUNCIL

MPC(20)92

A Code of Practice for Handling Complaints from members of the public was initially adopted by Melton Parish Council on 8 November 2007 and last reviewed and re-adopted on 1 May 2014. Members of Finance, Employment and Risk Management (FERM) Committee reviewed the revised version set out below on 14 October 2020 and recommend its adoption to Full Council, subject to a number of amendments which have been incorporated.

As far as I am aware the Code has never been used, and in the time that I have served as Clerk to the Council, no formal complaints have been received.

William Grosvenor
Clerk and Executive Officer to the Council
16 November 2020

CODE OF PRACTICE FOR HANDLING COMPLAINTS (revised October 2020)

Background

It is always the Council's intention to resolve issues amicably without the need for a complainant to have to rely on a formal complaints procedure. However occasionally members of the public may have complaints about aspects of administration, procedures, management of council assets or the behaviour of Councillors or staff which cannot easily be resolved. As local councils are not subject to the jurisdiction of the Local Government Ombudsman there is no independent body to which the complainant can turn for an independent review of the situation. For that reason it is considered good practice for local councils to adopt a formal standard procedure for addressing such situations. That will, at the very least, give complainants the satisfaction that their grievance has been properly considered.

Where the complaint is about alleged conduct by a member of staff, an investigation may suggest that a disciplinary process may need to follow. Here the Council will need to set that in train and be mindful of the employee's right to confidentiality when conveying the outcome to the complainant.

Similarly allegations of a breach of the Code of Conduct by Councillors are usually dealt with by the District Council for which a mechanism already exists.

This Code therefore is likely to apply in instances where the issues are around the way the Council operates and / or manages its assets.

Code of Practice

Before the Meeting

1. Where it is not possible to provide a satisfactory response to the complaint forthwith, the complainant should be required to put the complaint about the council's procedures or administration in writing to the Clerk or other nominated proper officer.
2. If the complainant indicates a preference not to put the complaint to the Clerk or other proper officer, it may be put to the Chair of the Council.
3. Except where the complaint is concerning his / her own actions, the Clerk or Chair shall try to settle the complaint directly, save where the behaviour of an individual Councillor or employee is involved, where that person shall be first notified of the complaint, and given an opportunity to comment on both the complaint and the manner in which it is intended to resolve it. Where the Chair receives a written complaint directly related to his / her actions, it shall be referred to the Council. Where the Clerk receives a written complaint directly related to his / her actions, it shall be referred to the Chair of the Finance, Employment and Risk Management Committee. Where the Chair or Clerk dispose of any complaint by direct action with the complainant, that shall be reported to the next meeting of Full Council.
4. The Chair or Clerk shall bring any written complaint that cannot be settled to the next meeting of Full Council, and the Clerk shall notify the complainant of the date and time on which the complaint will be considered.
5. Whenever Full Council meets to consider any written complaint that cannot otherwise be settled or a report back on any actions taken in respect of any complaint by the Chair or Clerk, the public and press will be excluded for such item(s). Where there is no Ordinary Meeting of Full Council scheduled within a reasonable time (and bearing in mind all such complaints need to be considered in a timely manner) then a Special Meeting will be called.
6. The complainant shall be invited to attend the relevant meeting and bring with them such representative or friend as they wish.

7. Seven clear working days prior to the meeting, the complainant shall provide the Clerk with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant in the same timescale with copies of any documentation upon which they wish to rely at the meeting.

At the Meeting

8. Full Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.
9. Chair to introduce everyone and explain the procedure.
10. Complainant (or representative) to outline grounds for complaint.
11. Members to ask any question of the complainant.
12. If relevant, Clerk or other proper officer to explain the Council's position.
13. Members to ask any question of the Clerk or other proper officer.
14. Clerk or other proper officer and complainant to be offered opportunity to sum up (in this order).
15. Any decision on the complaint shall be announced at the Council meeting in public.

After the Meeting

16. Decision confirmed in writing within seven working days together with details of any action to be taken.