



**CODE OF PRACTICE FOR HANDLING COMPLAINTS FROM THE PUBLIC**

**1. Introduction**

1.1 It remains the position that the Local Government Ombudsman (LGO) has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 (February 2013) has issued guidance for local councils. Willingdon and Jevington Parish Council has approved a Code of Practice, based on these guidelines, to provide a formal procedure for processing any complaints received.

**2. Guidelines**

2.1 It will not always be appropriate to deal with all complaints from members of the public under this Code of Practice. The Parish Council will consider engaging other procedures/bodies in respect of the following types of complaint:

<b>Type of conduct</b>	<b>Refer to</b>
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s.16 Audit Commission Act 1998).
Alleged criminal activity	The police.
Members' conduct alleged to breach the code of conduct adopted by the council	The district council (Wealden District Council) is responsible for handling complaints that relate to a member's failure to comply with the council's code of conduct.

**3. Important Notes**

3.1 The Code of Practice that follows is therefore aimed at those situations where a complaint is made about the administration of the Parish Council or about its procedures.

3.2 The Code of Practice is designed to give a formal procedure for dealing with complaints. However, it is generally in the interests of the complainant and the Parish Council to try to resolve matters informally through the normal channels of communication, rather than deferring to the formal procedure.

3.3 Therefore, the Parish Clerk (or other designated staff) will attempt to resolve any complaint at the first point of contact with the complainant. If the issue cannot be resolved to the complainant's

satisfaction, or if the complainant is unwilling to consider the Parish Clerk's suggested remedy, the formal procedure will be initiated.

3.4 A complaint against the Parish Council that involves a complaint about the conduct of its employees must be handled in accordance with the Code of Practice. If, following the outcome of the complaint, the Parish Council decides that there may be a need to take disciplinary action, this should be in accordance with its internal disciplinary procedure.

#### **4. Registering a complaint**

4.1 All formal complaints against the Parish Council must be communicated in writing to the Parish Clerk. If a complainant prefers not to communicate with the Parish Clerk, for example if the complaint relates to the conduct of the Parish Clerk, they must communicate with the Parish Council Chairman instead.

4.2 To assist the Parish Council in its investigations into the complaint, the following information is required:

- The complainant's full contact details;
- What the complaint relates to;
- When it happened (or should have happened);
- Why and how you think the Parish Council should have done things differently;
- What you think the Parish Council should do to put things right.

4.3 To ensure compliance with its obligations in the Data Protection Act 1998 ('the 1998 Act'), the Parish Council cannot disclose the identity, contact details or other personal data about an individual complainant unless the complainant consents or disclosure is otherwise fair and lawful under the 1998 Act.

#### **5. Responding to the complaint**

5.1 A formal complaint communicated as outlined above will be acknowledged by the Parish Council in writing within two working days of receipt. The Parish Council may at this stage refer the complainant to another procedure or body if appropriate, as outlined in the guidelines to the Code of Practice.

#### **6. Investigating the complaint**

6.1 The Parish Council will need to investigate the facts of the complaint and collate relevant evidence to assist in forming its conclusion.

6.2 This process may involve:

- Reviewing the complainant's written complaint;

- Additional verbal or written communication with the complainant to clarify points or request additional information;
- Reviewing the Parish Council's policies and procedures for evidence of error;
- Interviewing staff members, Councillors and/or contractors to establish details of the issue;
- Referring to the Parish Council's solicitors or insurers, or other advisory bodies including NALC, SSALC (Sussex and Surrey Association of Local Councils), SLCC (Society of Local Council Clerks) or other specialists.

6.3 The Parish Council will endeavour to complete its investigation and provide a response to the complainant within ten working days. If, due to the nature or complexity of the complaint, the Parish Council is unable to meet this timeframe, the complainant will be advised in writing and given an anticipated date of completion.

## **7. Determination of complaints**

7.1 Once the Parish Council has completed its investigation it will write to the complainant to confirm whether or not it has upheld the complaint. The Parish Council will give reasons for its decision together with details of any action to be taken by the Parish Council if appropriate.