

**CAPEL PARISH COUNCIL**  
**COMPLAINTS PROCEDURE**

**1. Introduction and duties**

1.1 It remains the position that the Local Government Ombudsman 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 has issued guidance (February 2013) for local councils.

**2. Guidelines**

2.1 It will not be appropriate to deal with all complaints from members of the public under this complaints procedure. Other procedures/bodies will be engaged in respect of the following types of complaint:

<b>Type of conduct</b>	<b>Refer to</b>
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. Advice will be sought from the council's appointed auditor / audit commission.
Criminal activity	The police
Councillor conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to Mole Valley District Council, Monitoring Officer
Employee conduct	Dealt with by internal disciplinary procedure

2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.

2.3 The code of practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk.

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**3. The code of practice**

3.1 The aims of the code of practice are:

- To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred to the council from other bodies.
- To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
- To make the process reasonable, accessible and transparent.

*August 20th, 2019*

- At all times, the rules of natural justice will apply, and all parties shall be treated fairly.
- All complaints shall be heard by the council's appointed complaints panel, which shall consist of 3 councillors, and shall report its findings to the council's executive committee.

#### **4. Before the meeting**

- 4.1 The complainant shall be asked to put the complaint in writing to the Clerk.
- 4.2 If the complainant does not wish to put the complaint to the Clerk (as it may relate directly to the Clerk), they will be advised to put it to the council Chairman in writing, marked private and confidential.
- 4.3 The Clerk/Chairman shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the complaints panel.
- 4.4 The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.
- 4.5 Seven (7) clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they intend to refer to at the meeting.
- 4.6 The council shall similarly provide the complainant with copies of any documentation upon which it wishes to refer to at the meeting.

#### **5. At the meeting**

- 5.1 The complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next full council meeting in open session.
- 5.2 The panel chairman to introduce everyone.
- 5.3 The panel chairman to explain the procedure.
- 5.4 Complainant (or representative) to outline grounds for complaint.
- 5.5 Panel members to ask questions of the complainant.
- 5.6 If relevant, the Clerk or other nominated officer, to explain the council's position.
- 5.7 Panel members to ask questions of the Clerk or other nominated officer.
- 5.8 The Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Clerk/officer/councillor followed by complainant).

- 5.9 The Clerk or other nominated officer and complainant to be asked to leave the room while the panel 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.
- 5.10 The Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

## **6. After the meeting**

- 6.1 The decision confirmed in writing within seven (7) working days together with details of any action to be taken.

## **7. Appeals**

- 7.1 Appeals against the decision made by the council complaints committee should be put in writing to the parish chairman within fourteen (14) working days of the decision being published.