

Melbury Osmond Parish Council

Complaints Procedures

Procedures in Handling Complaints

Introduction

The nature of the complaint determines the body that the complaint should be made to. In the case of the County Council or the District Council, if an elector feels aggrieved and the problem has not been resolved to their satisfaction, then that person has the right to make a complaint to the Local Ombudsman. The Ombudsman will investigate the complaint if it is deemed to be of a type that falls within the Ombudsman's remit.

Parish Councils are not subject to the jurisdiction of the Ombudsman, but are governed by the revised code within The Parish Councils (Local Authorities (Model Code of Conduct) Order 2007-SI 2007/1159). One of the more contentious aspects of the code is that of declaring a prejudicial interest in an item for debate, which meant that the councillor(s) concerned left the room and took no part in the debate or vote. Melbury Osmond Parish Council has adopted paragraph 12 (2) of the revised code, which now permits councillor(s) to make representations, answer questions or give evidence at a council meeting, even though they had declared a prejudicial interest.

The Parish Council must bear in mind the provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 in dealing with complaints.

Recommended Process

On occasion members of the public may have complaints about the administration, procedures, councillors or employees of Melbury Osmond Parish Council. In the first instance a complaint should be made in writing to either the Chairman of the Council or Parish Clerk, depending on the most appropriate person to receive the complaint. If the complaint is about the Chairman of the Council then it should be made to the Parish Clerk. If about the Parish Clerk then it should be made to the Chairman of the Council.

If following investigation of the complaint which involves a councillor breaking the Code of Conduct and the elector is dissatisfied with the outcome, then they can obtain the appropriate complaint form (from the District Council's offices) and returning it stating who the complaint is being made about and the basis of the complaint, along with any relevant papers, to the Monitoring Officer of the West Dorset District Council (which acts on behalf of the Standards Board for England). The District Council's Standards Committee Assessment Panel will then initially consider the complaint.

Complaints Procedure

For transparency and for the benefit of good local administration Melbury Osmond Parish Council has adopted a standard formal procedure for considering complaints; whether made directly, referred back to the council from the District Council's Monitoring Officer, or referred from other bodies. The procedure is aimed at ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

- a). If a complaint is notified orally to the Chairman, Vice-Chairman or the Clerk to the Council, then the complainant should be asked to put the complaint in writing. On receipt of the written complaint it should be acknowledged in writing, within 5 working days, by the person receiving the complaint.
- b). The Chairman of the Council or the Parish Clerk shall report that a complaint has been received, the nature of the complaint, whether it has been resolved, or action to be taken to investigate the complaint to the next meeting of the Parish Council.

- c). On receipt of a written complaint about service provision, the Chairman of the Council, the Chairman of the relevant committee and the Parish Clerk shall meet and try to settle the complaint.
If the complaint is against an elected member or an employee, then the complaint will be investigated by the Chairman and Vice-Chairman of the Parish Council and the Parish Clerk and their findings will be reported to the Parish Council for consideration and determination. (If the complaint is against either the Chairman, Vice-Chairman or Parish Clerk, then that person will not sit on the investigating panel and a replacement may be appointed)
- d). If the complaint is about an elected member or an employee of the Parish Council then the person(s) complained of must be notified and given an opportunity to comment on the complaint.
- e). If the complaint has not been resolved within 20 working days, then the complainant should be notified by the Clerk to the Council that the investigation is ongoing and given an anticipated date when the complaint will be considered.
- f). The Parish Council shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and the public.

Councillors

If the complaint is about a councillor the Parish Council needs to investigate it and decide whether it is a matter that the council can deal with in an appropriate and satisfactory manner or whether the council, due to the seriousness of the complaint needs to refer the matter to the Monitoring Officer of the West Dorset District Council, (who acts on behalf of the Standards Board for England).

The complaint will initially be considered by the District Council's Standards Committee Assessment Panel.

Employees

If the matter is a complaint about the Clerk to the Council or an employee, such that the Chairman and Vice-Chairman of the Council, in consultation with the Clerk to the Council, where appropriate, believe that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is against any employee, even if the matter is being dealt with initially out of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s. 10.

The matter before the council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

- g). As soon as possible after the decision has been made, the nature of any action to be taken shall be communicated in writing to the complainant.
- h). In the event of serial facetious, vexatious or malicious complaints from a member of the public the council should consider taking legal advice before entering into any correspondence to the complainant.

Adopted by Melbury Osmond Parish Council at its meeting held on