



Code of Practice For Handling Complaints

Introduction

The Local Government Ombudsman has no jurisdiction over town councils, so what happens if complaints are received about administration or procedures?

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

Complaints about a councillor are now subject to the jurisdiction of the Standards Board. Complainants should be advised to contact the appropriate body directly or the Monitoring Officer for further information. The Town Council holds relevant information and contact details, which can be given to the complainant. The Town Council will not act upon anonymous communications.

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 an appropriate forum for a complaint against individuals, as the provisions available above cover these situations.

Market Weighton Town Council has adopted a formal procedure for considering complaints either made by complainants direct or which have been referred back to the council from other bodies. The procedure will ensure complainants feel satisfied that their grievance has been properly and fully considered.

Market Weighton Town Council believes that a complaints procedure is an efficient way of dealing with complaints received and a means of preserving the good reputation of the council through a transparent process. If the council fail to deal with complaints directly, they may have to utilise other resources in dealing with outside bodies, which the complainant has engaged to further highlight their dissatisfaction.

The Town Council will establish a committee to deal with complaints, avoiding the need for full council having to assemble and making the process less daunting for a complainant if they choose to attend a meeting in person. If a committee is formed, it will report its conclusions to the next regular full council meeting.

Under the Local Government Act 2000, the standards committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of the town council. Whilst this does not affect complaints about maladministration and procedure, it is good practice to notify the standards committee that a code for such complaints has been adopted. This procedure should not be confused with that available for complaints against individual members.

The procedure is designed for complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Town Clerk or other proper officer or the Town Mayor.

In most cases the Town Clerk or other proper officer will represent the position of the Town Council at the meeting of a complaints committee. When the Town Clerk, or other proper officer, attends in order to put forward the justification for the action or procedure complained of, she (or he) should not advise the committee.

The complaints committee will consist of any three councillors, normally the Town Mayor and two others, chosen by the council, who are available on the day of the proposed meeting to hear a complaint. If the Town Mayor attends in order to put forward the justification for the action or procedure complained of, a third councillor will be needed to sit on the committee and one of the three councillors will chair the meeting.

At all times all parties will be treated fairly and the process should be reasonable, accessible and transparent.



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Before the Complaints Committee Meeting

The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk.

If the complainant does not wish to put the complaint to the Town Clerk they may be advised to put it to the Town Mayor.

The Town Clerk shall acknowledge the receipt of the complaint, and advise the complainant of the date and time when the matter will be considered by a complaints committee.

The complainant shall be invited to attend the complaints committee meeting and bring with them such representative as they wish.

Seven 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 provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the Complaints Committee Meeting

The complaints committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

Town Mayor, or delegated chairman, to introduce everyone and explain the procedure.

Complainant (or representative) to outline grounds for complaint.

Members to ask any relevant questions of the complainant.

The Town Clerk or other proper officer will explain the council's position.

Members to ask any relevant questions of the Town Clerk or other proper officer.

Town Clerk and complainant to be offered opportunity of last word (in this order).

Town 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).

Town Clerk and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

Decision confirmed in writing within seven working days together with details of any action to be taken. The decision on any complaint shall be reported at the next regular council meeting in public.