

Freckleton Parish Council

CODE OF PRACTICE FOR HANDLING COMPLAINTS

A. Introduction

1. This code of practice is designed for those complaints that cannot be resolved by less formal measures or explanation provided to the complainant by the Clerk.
2. Complaints about a Contractor or an employee of the Council (e.g. the Clerk) will be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally and appropriate action taken, as required.
3. Complaints about a Councillor are subject to a separate statutory procedure. Complainants will be advised to initially write to Fylde Borough Council's Monitoring Officer. She can be contacted at the Town Hall, St. Annes FY8 1LW or via email at tracy.morrison@fylde.gov.uk. Under the Localism Act 2011, initial complaints regarding alleged member misconduct are considered by the Council's Monitoring Officer. When the Monitoring Officer receives a complaint of alleged member misconduct, she shall seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of the code is rectified, and that the complainant is informed of the rectification, with or without an apology. However, the Monitoring Officer may determine that if the matter is of such importance that an investigation is the only appropriate response. In the case of investigations relating to Parish and Town Council matters, the Monitoring Officer will forward her recommendations to the Borough Council's Standards Committee for local hearing. Any recommendations of the Standards Committee, in relation to the conduct of members of a Town and Parish Council, are not binding and are a matter for the Town or Parish Council to formally consider, and accept or otherwise.
4. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.
5. This code of practice is therefore aimed at those situations where a complaint has been made about the administration of the Council or about its procedures.

B. Complaints Procedure

a) Before the Meeting

1. The complainant should be asked 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 does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the chairman of the council.
3. The Clerk, or the deputy Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.

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

b) At the Meeting

1. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public
2. Chairman to introduce everyone.
3. Chairman to explain procedure.
4. Complainant (or representative) to outline grounds for complaint.
5. Members to ask any question of the complainant.
6. If relevant, clerk or other proper officer to explain the council's position.
7. Members to ask any question of the clerk or other proper officer.
8. Clerk or other proper officer and complainant to be offered opportunity of last word (in this order).
9. Clerk or other proper officer 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).
10. Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made.

c) After the Meeting

1. The decision is confirmed in writing within seven working days together with details of any action to be taken.

This Code of Practice was adopted by the Council at the meeting held on 1st October 2012.