

# **KILHAM PARISH COUNCIL**

## **CODE OF PRACTICE IN HANDLING COMPLAINTS (in accordance with Standing Order no 2.xii)**

### **PREFACE**

From time-to-time members of the public may have complaints about the administration or procedures of Kilham Parish Council. Complaints against policy decisions made by the Council shall be referred back to the Council (note paragraph 17 of Council's Standing Orders which says that issues shall not be re-opened for six months).

Local Councils are not subject to the jurisdiction of the Ombudsman. The Code of Practice set out below is based on a recommended model, as a way of ensuring that complainants can feel satisfied that at the very least their complaint has been properly and fully considered.

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

### **CODE OF PRACTICE IN HANDLING COMPLAINTS**

1. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put the complaint in writing to the Clerk and be assured that the matter will be dealt with promptly after receipt.
2. If a complainant prefers not to put the complaint to the Clerk to the Council then he/she should be advised to put it to the Chairman of Council.
3. On receipt of a written complaint, the Clerk or the Chairman, as the case may be, shall (except where the complaint is about his/her own actions) try to settle the complaint directly with the complainant within the existing policy of the Council, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained of and giving an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.

Where the Clerk or Chairman receives a written complaint about his or her own actions, he/she shall immediately refer the complaint to the Council and be given an opportunity to comment.

If the complaint relates to the behaviour of a Councillor, where there is perceived to be a breach of Kilham Parish Council's Code of Conduct for members, the complainant will be advised to contact the Local Authority Monitoring Officer.

4. The Clerk or the Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The Clerk or the Chairman shall bring any written complaint which has not been settled to the next meeting of the Council, and the Clerk shall notify the complainant of the date on which the complaint will be considered.

6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the Council meeting in public.
7. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
8. The Council shall defer dealing with any written complaint only if it is of opinion that issues of law or practice are concerned on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.
9. In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant.
10. Kilham Parish Council will not consider any anonymous communication.

The Complaints Procedure was reviewed and adopted by Kilham Parish Council January 2019.