

CILCAIN COMMUNITY COUNCIL

Code of Practice - Complaints about administration and procedures and conduct

Preface

This Code of Practice sets out procedures for dealing with any complaints that a member of the public may have about the Community Council's administration and procedures or the conduct of the Council's employee. The conduct of Councillors is primarily covered by the Code of Conduct (Wales) as adopted by resolution of Cilcain Community Council. Advice on the Code of Conduct may be sought from the Monitoring Officer of Flintshire County Council.

A complaint is defined as 'an expression of dissatisfaction by a member of the public about the Council's action or lack of action or about the standard of a service, whether that service was provided by the Council itself or by a person or body acting on behalf of the Council.'

The Council considers that any complaint should be made within six months of the problem occurring. Any complaint received after this time will only be considered in exceptional circumstances.

The appropriate time for a member of the public to influence Council decision-making is by raising a concern before the Council debates and votes on a matter. This may be done by writing to the Council in advance of the meeting at which the item is to be discussed. If a member of the public is unhappy with a Council decision, he or she may raise their concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in Council Standing Orders is followed.

Code of Practice

1. If a complaint about procedures or administration is notified orally to a councillor or the clerk and they cannot satisfy the complainant fully forthwith, the complainant shall be asked to put the complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant prefers not to put the complaint to the clerk he or she shall be advised to put it to the chairperson.
3. (a) On receipt of a written complaint the clerk or chairperson as the case may be shall (except where the complaint is about his or her own actions) try to settle the complaint directly with the complainant 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 for comment on the manner in which it is intended to attempt to settle the complaint.

(b) Where the clerk or chairperson receives a written complaint about his or her own actions he or she shall refer the complaint to the Council.
4. The clerk or chairperson shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The clerk or chairperson 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, and the complainant shall be offered an opportunity to explain the complaint orally.
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 arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.
9. The complainant has the right to complain to the Public Services Ombudsman for Wales, contact and website details as follows:
 - Phone: 0300 790 0203
 - Write to: 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ
 - www.ombudsman-wales.org.uk

In the event of serial facetious, vexatious or malicious complaints from a member of the public the Council, in accordance with the recommendations of the Local Government Ombudsman, will consider taking further advice before responding.

In accordance with guidance from One Voice Wales, the Council will keep a Register of Complaints.

Council Contact Details

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Clerk to Cilcain Community Council

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* Chairperson's Contact Details are available on request.