

Date: 01 October 2020

Title: Report Item 8 – Conduct and Complaints

By: K Larkin (Parish Clerk)

Purpose: To recommend clarification of the Member Code of Conduct and the revision of the council's Communication and Complaints procedure

Recommendations: a) To note the report
b) To approve the proposed clarification of the Member Code of Conduct – Appendix A
c) To approve the revised draft Communications and Complaints procedure – Appendix B

Member Code of Conduct

The parish council has a Code of Conduct for Members in the form prescribed by its principal authority, i.e. Wealden District Council. The Code which is shown in full in Appendix A to this report contains a reference to the Localism Act 2011 and in particular to Chapter 7 of that Act, which deals with standards in public life. The 2011 Act makes provision for any complaints against a parish councillor for an alleged breach of the Code of Conduct to be referred to the Monitoring Officer at the relevant principal authority (i.e. Wealden, in the case of this parish), for investigation. The official view is that the code as it stands does not require clarification, but it is easy for the reader not to appreciate the fact that it involves a referral to Wealden, as the reference to the Localism Act only covers this point implicitly, but not explicitly.

It is therefore suggested that a sentence clarifying this fact and making it explicit is added to the text of the numbered paragraph 1(5) of the Code, as shown in red in Appendix A.

Communications and Complaints Procedure

The parish council has a Communications and Complaints procedure which is written on the assumption that it deals with complaints against officers. If a complaint is made against the actions of the council as a corporation it is very likely to involve a complaint against the clerk or another officer, but that is not inevitably the case, and it is recommended that the procedure should be redrafted to make the distinction and cover complaints made either against the corporation or against officers, or both. A suggested draft is set out in Appendix B. The draft quotes (para 2) the following definition of a complaint, provided by the Local Government Organisation:

'A complaint is an expression of dissatisfaction... about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person of body acting on behalf of the council... When a complaint is made against a local council, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council'.

Further advice is given in paragraph 3 of the draft regarding types of complaint that should be investigated by authorities other than the parish council. This advice is taken from the National Association of Local Councils. The procedure set out in the remainder of the draft also follows NALC recommendations.

If these proposals are adopted and published on the council website the public can have greater confidence that there is very clear and readily accessible advice on how to complain, in what circumstances, and to whom the complaint should be addressed.