

# **BIDDENDEN PARISH COUNCIL**

## **COMPLAINTS POLICY AND PROCEDURES**

### **1. Introduction**

1.1 The Parish Council provides services to community groups, sports teams, companies and individuals. We try to get our service delivery right every time, but there are occasions when users of our services may be dissatisfied with our performance. This policy sets out how to raise a complaint with the Parish Council.

1.2 The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Parish Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

### **2. Informal Complaint**

2.1 It is hoped that most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, letter or email to the Parish Clerk, not through individual Councillors. The complaint will be handled by the most appropriate Council member, depending on the nature of the complaint. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage. The Clerk will be kept informed of the handling of the complaint and its resolution. A Complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints if they are in any way involved in the issue or issues raised by the Complainant. It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach has not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

### **3. Formal Complaint**

3.1 The Internal Review Committee is responsible for managing the formal complaints process. If a formal complaint is being raised against a member of the Internal Review Committee, then the Chairman of the Council will appoint a substitute. A formal complaint should be addressed to the Clerk, marked "Confidential – Formal Complaint" to ensure the matter is handled by the Clerk and Chairman together. The Council encourages contact by email and telephone, but as a formal complaint is a serious matter, formal complaints will only be accepted if submitted in writing. The complaint should cover as much detail as possible and enclose any relevant supporting documentation. The Clerk (or the Chairman, or the Chairman of the Internal Review Committee if the Parish Clerk or Chairman are implicated in the complaint) will acknowledge receipt of the complaint within three working days. The Chairman of the Internal Review Committee will carry out an initial investigation into the complaint with

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reference to the Internal Review Committee members and will within ten working days provide the Complainant with an update on progress, or a suggested resolution. If the Complainant is satisfied with the resolution the complaint is closed. The Internal Review Committee will report to the Council with summary details of the complaint and of its resolution. This summary report will not identify the Complainant or other personal information. If the Internal Review Committee is unable to resolve the complaint, or the Complainant is not satisfied with the proposed resolution then the matter will be referred to a full meeting of the Council. The Parish Clerk or Chairman will report any complaint that has not been resolved to the next meeting of the Council.

3.2 . As far as possible the Council carries out its business in public, but matters that involve individual identified members may require the exclusion of the press and public. The Internal Review Committee shall consider whether the circumstances of the full Council meeting warrant the exclusion of the public and the press. If the Parish Clerk or any Council members are implicated in the complaint, they shall be excluded. The Chairman shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting shall be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion. The Complainant (or representative) shall be invited to outline the grounds for complaint and Council members given the opportunity to ask any question of the Complainant. If relevant, the Chairman of the Internal Review Committee shall explain the Committee's position and Council members shall ask any questions of him or her. The Complainant is to be offered the opportunity of a last word as a means of summing up their position. The Chairman of the Internal Review Committee shall be offered the opportunity of a last word as a means of summing up their position. The Internal Review Committee and Complainant shall be asked to leave the room while the remaining Council members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, the Complainant and Chairman of the Internal Review Committee shall be invited back. In any case, all shall return to hear the decision, or to be advised when the decision will be made. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received. As soon as possible after the decision has been made, and in any event not later than 10 days after the meeting, the Complainant shall be notified in writing of the decision and any action to be taken. The announcement of any decision will be made in public, at the next Council Meeting

3.3 The Parish Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, or the absence of a member who is involved in the complaint, or the Parish Clerk, it may mean that the timings have to vary. Should this occur then the Complainant will be kept advised of the revised timescales. A formal complaint is a serious matter. The Council will not under any circumstances enter into any correspondence, or discussion, with any Complainant about any action taken, formally or informally against an employee. This is expressly to protect the employment rights to which employees of the Parish Council are entitled. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Parish Council's grievance and disciplinary procedures.

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3.4 The Parish Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Parish Council's maladministration. Any payment may only be authorised by the Parish Council's auditor on the propriety of such a payment.

#### **4. Complaints Against Councillors**

4.1 This policy does not cover Code of Conduct complaints against an individual Councillor, which should be addressed to *The Monitoring Officer, Legal & Democratic Services, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL*. The Monitoring Officer can only deal with Code of Conduct complaints about the behaviour of a Councillor and failure to follow the Code. He will not deal with complaints about matters that are not covered by the Councillors Code of Conduct.

#### **5. Anonymity**

5.1 The Parish Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

#### **6. Freedom of Information Act**

6.1 A complaint that the Parish Council has not released information under the Freedom of Information Act, in the manner that a person requesting believes it should have done, can be referred to the Information Commissioner but should first be dealt with as a request for Internal Review in accordance with the agreed Internal Review Terms of Reference and Procedure.

Adopted by Biddenden Parish Council