

**Brasted Parish Council**  
**COMPLAINTS PROCEDURE**

This Complaints Procedure was reviewed and adopted by the Council at its Meeting held on 9 May 2022

The following is the Parish Council's procedure for dealing with complaints about the Council's administration or its procedures, a complaint against the Clerk or a complaint against a Parish Councillor. Complaints about a policy decision made by the Council will be referred back to the Council for consideration.

The procedure is based on the framework suggested by the National Association of Local Councils.

### **Definition of a complaint?**

Generally, this will be about the Parish Council's procedures or administration. It will be an expression of dissatisfaction by one or more members of the public 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) by the Parish Council or a person or organisation acting on behalf of the Council. It may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.

Complaints should always be directed through the Clerk (except for complaints about the Clerk, in which case, the Chairman takes the place of the Clerk in managing the process). It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

### **Making a complaint**

We cannot please everyone all the time. What we can promise is to listen and to do what we can to deal with your problem.

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Parish Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint will be reported to the Parish Council by the Clerk.

A complaint must be put in in writing (letter or e-mail) to the Clerk to the Council (see website for contact details). If the complaint is about the Clerk write to the Chairman (see website for contact details).

When your complaint has been received, we will write to you within seven days to let you know:

- who is responsible for dealing with the complaint
- how it will be dealt with
- when the complaint is likely to be dealt with
- whether there is an opportunity for the complainant to make verbal representations (and bring a friend when doing so) and when this will occur

### **Complaint about the Clerk**

If the complaint is about the Clerk to the Council, you should write to the Chairman. The Clerk will be formally advised of the matter and given an opportunity to comment. The complaint will be dealt with by the Parish Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Parish Council are entitled. The complainant will be informed of action taken.

### **Complaint about the ethical behaviour of a Parish Councillor**

Members of Parish Councils sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG.

### **Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should, or has been taken. These matters will be referred to the Parish Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Parish Council may, in such circumstances, decide that no further action can usefully be taken in response to the complainant and inform the complainant so, making it clear that only new and substantive issues will merit a response.

### **Anonymous Complaints**

Anonymous complaints will be disregarded.

### **Excluded Complaints**

In certain circumstances, procedures/bodies other than the Parish Council may be appropriate in respect of the following types of complaint:

Financial Irregularity Complaints should be referred to the Council's auditor, whose name and address can be obtained from the Clerk. (Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998).

Criminal activity -The Police

### **What happens next?**

On receipt of your written complaint, the Clerk to the Council or other nominated officer (or if the complaint concerns them, the Chairman of the Council) shall:

- acknowledge receipt of the complaint in writing within the timeframe specified in the council's complaint's procedure;
- confirm to the complainant if the complaint will be treated as confidential (which is the most likely to be the case) and
- confirm the next steps in the complaints procedure.

Generally speaking, complainants can expect to receive a response in full within a month of the acknowledgement of the complaint.

### **Investigating the complaint**

The council will need to investigate the facts of the complaint and collate relevant evidence.

### **How will the procedure operate?**

Complaints about the Council's procedures, administration or policies will be dealt with by the Parish Council. The outcome of the complaint will be published.

The Clerk will acknowledge receipt of your complaint within seven working days and will also advise when the matter will be dealt with.

You will be invited to attend the meeting and to bring any representative if you wish.

Seven clear working days prior to the meeting, you are requested to provide the Parish Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Parish Council will provide you with copies of any documentation which it wishes to rely on at the meeting.

### **Procedure at the Meeting**

The Parish Council will consider whether the circumstances of the meeting warrant the exclusion of the press and public.

The Chairman will introduce everyone and will explain the procedure.

You, as the complainant, or your representative, will outline the grounds for complaint.

Members of the Parish Council will ask questions of you or your representative.

If relevant, the Clerk will explain the Parish Council's position.

Members of the Parish Council will be able to ask questions of the Clerk to the Council.

The Chairman will summarise the Parish Council's position and then you will be offered the opportunity of summing up.

You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Members reach a decision on whether or not the grounds for the

complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.

If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

You will then re-join the meeting to be advised of the decision of the Parish Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependent on the detail of the reasons for the decision, it might only be possible to give you the decision at the meeting, with the detailed reasons following in the decision letter.

### **After the meeting**

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

### **What to do if you are still not satisfied**

The decision of the Parish Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Parish Councils.