



Complaints Policy

Adopted 09/05/2022

| Version: | Date Approved: | Review Date: |
|----------|----------------|--------------|
| 1.0 | 03/07/2017 | 31/05/2018 |
| 2.0 | 06/11/2017 | 31/05/2018 |
| 3.0 | 14/05/2018 | 31/05/2019 |
| 4.0 | 13/05/2019 | 31/05/2020 |
| 5.0 | 02/09/2019 | 31/05/2021 |
| 6.0 | 25/01/2021 | 31/05/2022 |
| 7.0 | 04/05/2021 | 31/05/2022 |
| 8.0 | 09/05/2022 | 31/05/2023 |

1. Introduction

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration.

Pembury Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

Pembury Parish Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community of Pembury. The Council welcomes feedback from the public at all times.

Complaints must always be directed through the Council offices, not through individual Councillors. A Complainant may advise a Councillor of the details of the complaint, but individual Councillors are not authorised to resolve complaints

2. Informal Complaints handled by the Council Office

If complaints are made to the Council either in person, by telephone, letter or email to Council Office staff or the Chair of the Council, the Clerk will try to resolve the complaint informally in a timely manner.

It is hoped that most complaints can be resolved quickly and amicably through this route. In the event that the informal process does not satisfy a member of the public, Pembury Parish Council has a formal complaints procedure that should be followed.

3. Formal Complaints handled by the Parish Council

If the Complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, they will be asked to submit a formal complaint in writing to the Council offices, addressed to the Clerk or Chair of the Parish Council as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

1. The Clerk or Chair of the Parish Council will acknowledge receipt of the complaint, in writing either by email or post, within 5 working days.
2. On receipt of a complaint the Clerk, in consultation with the Chair of the Parish Council, will ascertain the category of the complaint and take the relevant action with reference to the complaint category detailed in Appendix 1. The Complainant will be informed of which category the complaint falls under and the action required.
3. If the complaint is considered to be a category D complaint (see Appendix 1), the Clerk or Chair of the Parish Council will advise the Complainant when the matter

will be considered by the Complaints Committee. The Procedure in Appendix 2 will be followed in this instance.

4. The Clerk or Chair of the Parish Council will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the Complainants and any Council staff involved.

4. Repeated or Vexatious Complaints

A small percentage of complainants may persistently complain or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and may result in unacceptable levels of stress for staff.

Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable, or which has the effect of intimidating or harassing staff.

A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.

A Complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council giving the reason and scope. This will be confirmed in writing to the Complainant.

Appendix 1

| | Complaint Category | Action |
|---|---------------------------|---|
| A | Criminal activity | The Clerk should refer the Complainant to the Police. |
| B | Member conduct | <p>A complaint against an individual Councillor is not covered by this Complaints Policy. If anyone wishes to make a complaint about the behaviour of an individual Councillor, they must write to the Monitoring Officer, Tunbridge Wells Borough Council, Town Hall, Tunbridge Wells, Kent TN1 1RS.</p> <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillors' Code of Conduct, complaints that are about people employed by the Parish Council, incidents that happened before a member was elected or chose to serve on the Council, incidents that happened before the authority adopted its Code of Conduct, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides.</p> |
| C | Employee conduct | As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure. A complaint against a member of the Council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the Council's employment. The Council, will not under any circumstances, enter into any correspondence or discussion with any Complainant about any action taken, formally or informally against any member of staff. This is expressly to protect the employment rights to which all employees of the Council are entitled. |
| D | Other | Category D complaints are "expressions 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 itself or a person or body acting on behalf of the Council". These will be heard by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf. |

Appendix 2

Complaints Procedure

Before the Meeting of the Complaints Committee

1. The Complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or their substitute. The Clerk or Chair shall acknowledge receipt of the request within 5 working days.
2. A Complaints Committee will be appointed from the membership of the current Finance and HR Committee. There will be a minimum membership of three councillors. No Councillors will be appointed who have already been involved in the matter, which is the subject of the complaint. If necessary, members from Full Council will be appointed if there are insufficient appropriate members of the Finance and HR Committee.
3. The Clerk or their substitute will advise the Complainant when the matter will be considered by the Complaints Committee established for the purposes of hearing complaints, giving at least 10 working days' notice of the Committee meeting. The Complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the committee agenda.
4. The Complainant shall be invited to attend a meeting of the Complaints Committee and to bring with them one other person for support if they wish. They will not be entitled to bring legal representation. The other person may not address the meeting.
5. If the Complaints Committee deem it necessary, it may require particulars of the complaint or any related matters to be submitted in advance of the meeting by the Complainant or the Council.
6. Five clear working days prior to the meeting, the Complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the Complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the Complainant the opportunity to read the material in good time for the meeting.

Who will be at the meeting?

1. The members of the Complaints Committee.
2. The Clerk to the Council or a suitably appointed substitute.
3. The Complainant who may be accompanied by one other person for support as set out above.

At the Meeting

1. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
2. The Chair of the Complaints Committee should introduce everyone and explain the procedure
3. The Complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or their substitute and/or Councillors.
4. The Clerk or their substitute will have an opportunity to explain the Council's position and questions may be asked by the Complainant and Councillors.
5. The Clerk or their substitute, and then the Complainant should be offered the opportunity to summarise their position.
6. The Clerk or their substitute, and the Complainant and any person attending in support of the Complainant should be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
7. The Clerk or their substitute, and the Complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

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

Right of Appeal

The Complaints Committee's decision is final.