

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 residents to deal with complaints against the Council's Staff or its administration.

Bethersden PC will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

1. Bethersden Parish Council is committed to providing a quality service for the benefit of the people who live and work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

2. This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.

3. This Complaints Procedure does not apply to:

3.1. Complaints by one Council employee against another council employee, or between a council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.

3.2. Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members adopted by the Council on 11 February 2014 and, if a complaint against a Councillor is received by the Council, it will be referred to the Standards Committee of Ashford Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Ashford Borough Council. (But see appendix 1)

4. The appropriate time for influencing Council decision making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your 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 the Standing Orders is followed.

5. Should it become clear that the internal complaints committee will be unable to determine the complaint in a fair and transparent manner the Clerk will arrange a committee made up of Councillors of Parish Councils outside the Borough of Ashford.

6. You may make your complaint about the Council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.

7. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.

8. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Complaints Committee who will report your complaint to the Council

9. The Clerk or the Chairman of the Complaints Committee (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

10. The Clerk or the Chairman of the complaints Committee will notify you within 15 working days of the outcome of your complaint and of what action (if any) the Council proposes to take because of your complaint. (in exceptional circumstances the fifteen working days timescale may have to be extended. If it is, you will be kept informed.)

11. if you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

12. 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 in to 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.

13. 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, Ashford Borough Council, Tannery Lane, Ashford Kent, TN23 1PL. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor.

14. The Monitoring Officer will not deal with complaints about

- a. Matters that are not covered by the Councillors Code of Conduct.
- b. Complaints that are about people employed by the Parish Council
- c. Incidents that happened before a member was elected or chose to serve on the Council
- d. Incidents that happened before the authority adopted its Code of Conduct
- e. The way an authority conducts or records its meetings
- f. The way an authority has or has not done something
- g. A decision of the authority
- h. One of the services it provides.

### **15. Repeated or Vexatious Complaints**

15.1 A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing, or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that it unacceptably stressful for staff.

15.2 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.

15.3 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.

**Contact details.**

The Locum Clerk Bethersden Parish Council. (Temporary Address L Hedley, 6 Longsfield, Aldington Ashford Kent TN25 7DP)

Telephone 01233 7220392 Email: Lindahedley@hotmail.com

Chairman of the complaints Committee

To be advised

**Appendix 1**

	<b>Complaint Category</b>	<b>Action</b>
A	Financial irregularity	The Clerk should endeavour to provide an explanation of the item. The Proper Officer may need to consult the auditor/Audit Commission. If the complainant is not satisfied, the Proper Officer should advise the complainant of the Local Elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998.
B	Criminal activity	The Clerk should refer the complainant to the Police.
C	Member conduct	If the complaint relates to a failure to comply with the Code of Conduct the complainant should be advised to submit the complaint to the Monitoring Officer at Ashford Borough Council.
D	Employee conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.
E	Other*	Should be dealt with under the following complaints procedure.

\*Category E 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

### Other 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 other nominated officer.
2. The Complaints Committee will be appointed from the membership of the current Finance and HR Committee. There will be a minimum membership of three Councillors.
3. If the complainant does not wish to put the complaint to the clerk or other nominated officer he or she should be advised to address it to the Chairman of the Complaints Committee.
4. The Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Complaints Committee established for the purposes of hearing complaints. 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 a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Committee with copies of any documentation or other evidence relied on. The Committee 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.

#### At the Meeting

6. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on the complaint shall be announced at the committee meeting in public.
7. The Chairman of the Complaints Committee should introduce everyone and explain the procedure
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii) members.
9. The Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
10. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The Clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
12. The Clerk or other nominated officer 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**

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