

Shipbourne Parish Council

Complaints Policy

Adopted by Full Council 12 June 2017

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.

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

Shipbourne 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 Shipbourne. The Council welcomes feedback from the public at all times.

Informal procedure for handling complaints

In the event that the Council does not satisfy a local resident or a member of the public they may complain to the Council either in person, by telephone, letter or email. The Parish 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.

Formal procedure for handling complaints

1. If the complainant is not satisfied by the informal actions taken, he or she will be asked to submit a formal complaint which should be directed to the Parish Clerk or Chairman of the Parish Council as appropriate. The documented complaint should cover as much detail as possible and enclose any relevant supporting documentation including an explanation as to why any informal actions proposed by the Council are considered to be unsatisfactory.
2. The Clerk or Chairman of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days.
3. On receipt of a formal complaint the Clerk, in consultation with the Chairman 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.
4. Category A (Financial Irregularity), B (Criminal Activity) and C (Member Conduct) complaints

Once the action specified in Appendix 1 has been completed the complaint will be considered closed in the context of this procedure.

5. Category D (Employee Conduct)

If the validity of the complaint is accepted the complaint will be considered closed in the context of this procedure.

Shipbourne Parish Council

6. Category E (Other) complaints

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.

Category E complaints therefore may refer to:

- The way the Parish Council conducts or records its meetings;
- The way the Parish Council has or has not done something;
- A decision of the Parish Council;
- A service provided by the Parish Council;
- A category D Employee conduct complaint recategorised to category E (see Appendix 1);

The Clerk or Chairman of the Parish Council will carry out a formal investigation/review of the complaint and will, within 10 working days of receipt, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint will be considered closed.

If the Clerk or Chairman of the Parish Council is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the complainant should be asked to submit a formal request in writing to the Parish Clerk requesting that the complaint should be reviewed by the full Parish Council. The review will be scheduled for the next monthly Parish Council meeting following a period of two weeks from when the request is submitted. The written request should confirm what issues remain unresolved.

If after one month no such request is received the complaint will be closed.

7. Review of Complaint by full Parish Council

Before the Meeting

1. On receipt of a request for a review by the full Parish Council the Parish Clerk will advise the complainant of the date and time of the Parish Council meeting and invite the complainant to attend the meeting and to bring with them a representative if they so wish.
2. The Parish Clerk will also advise the complainant as to whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way on the Parish Council's agenda.
3. Seven clear working days prior to the meeting, the complainant shall provide to the Parish Clerk confirmation of which documentation or other evidence, already submitted to the Parish Clerk/ Chairman, they will rely

Shipbourne Parish Council

on at the meeting and shall provide copies of any additional documentation or evidence that they wish to be put before the Council. In response 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.

At the Meeting

4. The Council 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 meeting in public.
5. The Chairman of the Council will introduce everyone and explain the procedure
6. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by members of the Council.
7. The Clerk will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) councillors.
8. The Clerk and then the complainant should be offered the opportunity to summarise their position.
9. The Clerk and the complainant should be asked to leave the room while members 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.
10. The Clerk 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 Council's decision should be confirmed to the complainant in writing within seven working days together with details of any action to be taken. At this point the complaint will be considered closed.

Reporting of formal complaints received to full Parish Council

The Parish Clerk will report to the Council at the monthly Council meeting the summary details of all formal complaints received and a brief summary of their resolution or closure. This summary report will exclude the names of the complainants and any Council staff involved.

Shipbourne Parish Council

Repeated or Vexatious Complaints

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.

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 Parish Council giving the reason and scope. This will be confirmed in writing to the complainant.

Shipbourne Parish Council

Appendix 1

	Complaint Category	Action to be taken on receipt of a formal complaint
A	Financial irregularity	The Clerk should endeavour to provide an explanation of the item. The Clerk may need to consult the auditor/Audit Commission. If the complainant is not satisfied, the Clerk 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/Chairman should refer the complainant to the Police.
C	Member conduct	<p>If the complaint relates to a failure to comply with the Councillors' Code of Conduct the complainant should be advised to submit the complaint to the Monitoring Officer at Tonbridge and Malling Borough Council.</p> <p>Matters that are not covered by the Councillors Code of Conduct:</p> <ul style="list-style-type: none"> • Complaints relating to 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 Parish Council adopted its Code of Conduct. <p>n.b.In June 2015 the Parish Council adopted the 'Kent Code of Conduct for Members' see: https://www.tmbc.gov.uk/_data/assets/pdf_file/0006/73986/Kent-Code-of-Conduct-for-Members.pdf ;</p>
D	Employee conduct	<p>Complaint should be formally reviewed by the Chairman.</p> <p>If the validity of the complaint is rejected the Chairman will advise the complainant accordingly and the complaint will be re-categorised to category E and handled accordingly. If however the validity of the complaint is accepted the complainant should be notified accordingly and the complaint closed. The complainant should be advised that any form of disciplinary action that may or may not be taken against a member of staff in connection with the complaint is considered an internal matter and the Parish Council, will not under any circumstances, enter into any correspondence or discussion about any such action. This is expressly to protect the employment rights to which any employee of the Parish Council is entitled.</p>

Shipbourne Parish Council

	Complaint Category	Action to be taken on receipt of a formal complaint
E	Other	Complaint should be formally reviewed by Clerk/Chairman as appropriate. If the complaint remains unresolved or the complainant is not satisfied with the proposed resolution the complaint should be reviewed by the full council with the complainant present