



POLICY AND PROCEDURE FOR HANDLING COMPLAINTS

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Introduction and background

1. As the Parish Council becomes more visible in the local community, it is inevitable that, from time to time, it will receive complaints about its administration, procedures, Officers or Councillors.
2. It is in the Council's best interests to settle a complaint quickly because, even if unjustified, in the absence of any settlement or action it will be raised again. This is bad for the Council as it wastes time, and it affects the Council's reputation in the community.
3. Local Government Ombudsman does not cover parish councils, but the Local Government and Social Care Ombudsman (LGSCO) may consider complaints about principal authorities, not parishes. The Council should view the adoption of a complaints procedure as an efficient way of dealing with complaints received and a means of preserving its good reputation through a transparent process.
4. The Localism Act 2011 replaced parts of the Local Government Act 2000 relating to standards.
5. The council is committed to:
 - Impartiality
 - Equality of access
 - Confidentiality & data protection (GDPR compliance)
6. Complaints about an employee of the Council (e.g. the Clerk) should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required.
7. Complaints about a Councillor are subject to the jurisdiction of the Monitoring Officer. Complainants should be advised to contact the Monitoring Officer, Ashford Borough Council for further information.
8. Under the Local Government Act 2000, the Standards Committee of the principal authority is empowered to promote and maintain high standards of conduct by the members of the Parish Council.

Summary table:

| Type of Complaint | Route | Notes |
|-----------------------------------------------------|---------------------------------|--------------------------------|
| About a Councillor | Monitoring Officer (Ashford BC) | Code of Conduct matter |
| About the Clerk/staff | Internal HR process | Treated as an employment issue |
| About Council decisions, procedures, administration | Complaints Procedure | Handled via this policy |

9. For the benefit of good local administration, it is recommended that the PC adopt a standard and formal procedure for considering complaints, whether

made direct or referred by other bodies. The procedure that follows is recommended as a way of ensuring that complainants can feel satisfied that their grievance has been properly and fully considered.

10. The procedure is designed for those complaints, which cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chair.
11. It may be that, at the meeting, the Clerk represents the position of the Council. If the Clerk is putting forward the justification for the action or procedure complained of, he or she should not advise the Council or Committee.
12. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.
13. It is recommended that the Parish Council establish a committee to handle complaints. This would avoid the need for full Council to assemble and makes the process less daunting for a complainant if they choose to attend a meeting in person. The committee should report its conclusions to the next full Council meeting, if the complaint has been investigated.

Code of Practice for the Handling of Complaints Before the meeting

1. The complainant should be asked to put the complaint about the Parish Council's procedures or administration in writing to the Clerk, or if appropriate to the Chair of the Complaints Committee. Complaints should be submitted in writing to the Clerk, either by email or by letter. Assistance available for complainants with disabilities.
2. If the complainant does not wish to put the complaint to the Clerk, they may be advised to put it to the Chair of the Parish Council or Chair of the Complaints Committee
3. The Chair of the appropriate Committee shall acknowledge receipt of the complaint within 10 working days. The Complainant will be advised when the matter will be considered by the Council (or the appropriate Committee established for the hearing of complaints) if the complaint cannot be satisfactorily resolved.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. Seven working days prior to the meeting, the complainant shall provide the Committee or Parish Council with copies of documentation or other evidence, which they wish to refer to at the meeting. The Committee or Parish Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the meeting

6. Confidential Session Consideration

Before the meeting begins, the Committee or Parish Council shall consider whether the nature of the complaint—particularly where it involves personal data, sensitive information, or employment matters—warrants the exclusion of the public and press in accordance with the Public Bodies (Admissions to Meetings) Act 1960.

7. Introductions

The Chair shall introduce all persons present, explain their roles, and outline the order of proceedings to ensure clarity and fairness.

8. Right to be Accompanied

The complainant shall be reminded that they may be accompanied by a representative of their choice. This may include a friend, family member, advocate, or supporter.

9. Role of the Representative

The Chair shall confirm the representative's permitted role, which may include:

- attending as an observer,
 - supporting the complainant, or
 - speaking on the complainant's behalf if the complainant wishes.
- The role shall be agreed at the outset to maintain a fair and orderly process.

10. Complainant's Presentation

The complainant (or their representative if speaking on their behalf) shall outline the grounds of the complaint and refer to any evidence previously circulated.

11. Questions from Members

Members of the Committee or Parish Council may ask questions of the complainant for clarification.

12. Council's Position

Where relevant, the Clerk or the Chair of the Committee shall explain the Council's position regarding the matter under consideration.

13. Questions to Council Representatives

Members may ask questions of the Clerk or Chair of the Committee to understand the Council's position fully.

14. Right of Reply

The complainant and the Clerk or Committee Chair shall be given the opportunity to make any final comments, with the Clerk or Committee Chair speaking first.

15. Withdrawal for Deliberation

Both the complainant and the Clerk or Committee Chair shall be asked to leave the

room while Members deliberate and determine whether the grounds of the complaint have been upheld. If clarification is required during deliberation, both parties shall be invited to return briefly before withdrawing again.

16. Declaration of Interests and Prior Involvement

Any Member who has had prior involvement in the matter, or whose impartiality might reasonably be questioned, must declare an interest and withdraw from the discussion and decision-making process.

17. Notification of Decision

The complainant shall be invited back into the room to hear the decision, or advised of when the decision will be communicated in writing.

After the meeting

- 18 Decision confirmed in writing to the complainant within seven working days, together with details of any action to be taken
- 19 Any decision on a complaint shall be announced at the Parish Council meeting in public, once fully concluded.
20. All complaints received shall be referred to in any correspondence by the date on which they were received.
21. There is no further internal right of appeal, but complainants may request that the decision be reviewed by the Monitoring Officer if it relates to conduct, or by an independent auditor or another external body if financial or procedural issues are involved.