



Kingsnorth Parish Council

POLICY AND PROCEDURE FOR HANDLING COMPLAINTS

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. Since Local Councils are not subject to the jurisdiction of the Local Government Ombudsman, there is no independent body that a complainant can turn to for a formal independent assessment. The Council should view the adoption of a complaint's procedure as an efficient way of dealing with complaints received and a means of preserving its good reputation through a transparent process.
4. Complaints about an employee of the Council (i.e. the Parish Manager) 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.
5. 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.
6. 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.
7. For the benefit of good local administration, it is recommended that the Parish Council 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.
8. The procedure is designed for those complaints, which cannot be satisfied by less formal measures or explanations provided to the complainant by the Parish Manager or Chair.
9. It may be that, at the meeting, the Parish Manager represents the position of the Council. If the Parish Manager is putting forward the justification for the action or procedure complained of, he or she should not advise the Council or Committee.
10. always, 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.
11. 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 Parish Manager, or if appropriate to the Chair of the Complaints Committee.
2. If the complainant does not wish to put the complaint to the Parish Manager, 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. The Committee or Parish Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
7. Chair to introduce everyone.
8. Chair to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, the Parish Manager (or Chair of the Committee) to explain the Council's position.
12. Members to ask any question of the Parish Manager / Chair of Committee.
13. The Parish Manager or Chair of the Committee and complainant to be offered the opportunity of last word (in this order).
14. The Parish Manager or Chair of the Committee and complainant to 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 to be invited back).
15. The Parish Manager or Chair of the Committee and complainant return to hear decision, or to be advised when decision will be made.

After the meeting

1. Decision confirmed in writing to the complainant within seven working days, together with details of any action to be taken.
2. Any decision on a complaint shall be announced at the Parish Council meeting in public, once fully concluded.
3. All complaints received shall be referred to in any correspondence by the date on which they were received.