



WEST MALLING PARISH COUNCIL

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Clerk to the Parish Council: Mrs Claire Christmas

COMPLAINTS POLICY

West Malling Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the parish. 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.

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

This Complaints Procedure does not apply to:

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.
2. Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 4th April 2023 and, if a complaint against a councillor is received by the council, it will be referred to the Joint Standards Committee of Tonbridge & Malling Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Tonbridge and Malling Borough Council.

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.

Stage 1 - Complaints handed informally by the Parish Council office.

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

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

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 5 working days.

It is hoped that most complaints can be resolved quickly and amicably through this route.

Stage 2 - Complaints handled by the Parish Council.

However, 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 as the Proper Officer of the Council. If the complainant does not wish to complain directly to the Clerk, a formal complaint can be made to the Chairman of the Parish Council.

The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

The Clerk or Chairman of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days.

On receipt of a 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.

The Clerk or Chairman of the Parish Council will carry out an initial investigation into the complaint and will, within 20 working days of acknowledgment, provide the complainant with an update in progress, or an outcome of the complaint. If the complainant is satisfied with the resolution the complaint will be considered closed.

The Clerk or Chairman 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. In exceptional cases the twenty working days timescale may have to be extended and the complainant will be informed.

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 matter will be referred to the appropriate committee Chairman or to the next Council meeting for a further review / appeal. The Council can decide to instigate a formal investigation by their Complaints Committee which will be made up of members of the F&GP committee. The procedure in Appendix 2 will be followed in this instance.

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.

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, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. 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

Appendix 1

- A. Financial irregularity - The CLERK/RFO should endeavour to provide an explanation of the item. The CLERK/RFO 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 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 Tonbridge & Malling Borough Council.
- D. D Employee conduct - as an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.

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 General Purposes 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.

5. The complainant shall be invited to attend a meeting of the Complaints Committee and to bring with them a representative if they wish.

6. Seven 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.

At the Meeting

7. 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.

8. The Chairman of the Complaints Committee should introduce everyone and explain the procedure.

9. 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.

10. 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.

11. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.

12. The Clerk or other nominated officer 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.

13. 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

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

Adopted 3rd April 2023

Minute number 23/218

Review April 2025

