

Horton Kirby and South Darenth Parish Council Complaints Policy

Adopted April 2016

Complaints against the Council

A complaint about something the Council has done or not done will be handled as set out in the Code of Practice below, unless it is a Staff matter or a Councillor matter, or it should be investigated by another body.

Complaints that may involve criminal conduct should **always** be referred to the Police.

Complaints that may involve a breach of any other laws (Data Protection, etc.) should be referred to the appropriate body (Data Commissioner, etc.).

If the complainant is not sure to who to refer to, ask the Parish Clerk or an independent advisor for advice.

Complaints against a member of Council staff

Complaints regarding staff will be dealt with, in the first instance, by the Grievance and Complaints Committee and treated as an employment matter in accordance with the Parish Council's Disciplinary and Grievance Procedures and subject to the exclusion of the press and public: Public Bodies (Admissions to meetings) Act 1960 and Section 100 Local Government Act 1972.

The complainant is to be assured that the complaint will be investigated internally and any subsequent appropriate action will be taken.

If the complainant is not satisfied, the complainant should write to the Chairman within 21 days to request a review by the full Parish Council.

Sometimes a complaint names a member of staff but is really intended to be a complaint about the Council's policies, procedure and/or administration: in that case, the complaint should be dealt with as a complaint against the Council. If this might be an issue, it is good practice to ask the complainant to clarify the nature of the complaint and, if needed, explain why the Council complaints procedure is being used rather than the staff procedure.

Complaints against Councillors

All Parish Councillors must keep to the Code of Conduct adopted in June 2012. If a complainant thinks a Councillor has breached the Code of Conduct, send a complaint to:

The Monitoring Officer

Sevenoaks District Council, Council Offices

Argyle Road

Sevenoaks

Kent TN13 1HG

Code of Practice

Complaints against the Council

General queries, questions and complaints regarding the administration and procedure of the Council can nearly always be considered and resolved in the first instance by the Parish Clerk.

If that is not appropriate (eg the complaint is about something the Parish Clerk has done or not done), or the complainant is not satisfied with the Parish Council's administration and procedures, then either the Staff Procedure or the following procedures are to be followed as appropriate (see above under 'staff' for guidance on which procedure to use).

Before the meeting

1. The complainant to put the complaint in writing by letter or email to the Parish Clerk or the Chairman of the Council.

2. Parish Clerk or the Chairman of the Council to acknowledge receipt of the complaint and will advise the complainant that the matter will be considered by the Parish Council or an appropriate Committee with delegated powers for that area of business, at the next available meeting being held at the Village Hall, Horton Road, South Darenth.

3. The complainant to be advised when the complaint is to be heard and will be invited to attend with such representative as they wish.

4. Any complaint heard by the Parish Council or Committee will require all documentation and evidence to be presented 7 clear working days prior to the meeting.

At the meeting

1. The Chairman of the meeting shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.

2. Chairman to introduce everyone.

3. Chairman to explain procedure.

4. Complainant (or representative) to outline grounds for complaint.

5. Members may ask any question of the complainant.

6. If relevant, Parish Clerk or other proper officer to explain the Council's position.

7. Members may ask the Parish Clerk or other proper officer any question.

8. Parish Clerk or other proper officer and complainant to be offered opportunity of last word (in that order)

9. Complainant and, if relevant to/about them, Parish Clerk or other proper officer, to be asked to leave the meeting room while members decide whether or not the grounds for the complaint should be upheld. (If clarification is necessary, parties to be invited back).

10. Parish Clerk or other proper officer and complainant to return to hear decision, or to be advised when a decision will be made.

After the meeting

1. Decision to be confirmed to the complainant in writing within seven working days, together with details of any action to be taken.

2. If not satisfied, the complainant may ask full Council to consider the complaint by writing to the Chairman within 21 days of the decision being given.

Procedural note: It is sometimes not desirable for the Parish Clerk to provide the Parish Council with advice on whether or not the complaint is justified, and also to be present as Clerk to the meeting when the Council determines whether or not to uphold a complaint. Such a dual role may cause a conflict of interest, or the appearance of a conflict of interest. The Council will seek independent advice on the subject matter of the complaint, or arrange for another member of staff or Parish Councillor to clerk the meeting.