

# Complaints Procedure

A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the parish council or its staff which affects an individual customer or group of customers.

This procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns. Some examples include:

- neglect or unjustified delay;
- malice, bias, or unfair discrimination;
- failure to tell people their rights;
- failure to provide advice or information when reasonably requested;
- providing misleading or inaccurate advice; and/or
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

This Complaints Procedure does not apply to:

***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.

***Complaints against Councillors.*** Complaints against Councillors are covered by the Code of Conduct for Members and, if a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer of Folkestone and Hythe District Council. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer at Folkestone and Hythe District Council.

## Complaints Officer

The Complaints Officer for the parish council is the Clerk. Their main duties are:

- The day-to-day operation and management of the procedure.
- To oversee, and undertake where necessary, the investigation of formal complaints within the relevant timescales.
- To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- To identify improvement points arising from any complaints.
- To identify staff and councillor training issues.

## Handling Complaints

Everyday problems, queries and comments - the council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints.

These are routine and expected and are generally resolved quickly to the parishioner's satisfaction. If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue should be recognised as a complaint.

Informal complaints - during the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the Clerk. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

Formal complaints - for the benefit of good local administration, the council has adopted the Code of Practice in Appendix 1 for considering complaints either made by complainants directly or that have been referred to the council from other bodies. This Code of Practice is aimed at those situations where a complaint has been made about the council's administration or procedures to ensure that complainants can feel satisfied that their grievance has been properly and fully considered. It is designed for complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or Chair of the Council.

All parties will be treated fairly, and the process will be reasonable, accessible and transparent. However, there may be occasions when a complainant makes an approach in a different manner, and it is important that the procedure does not in itself become a barrier to effective communication.

Unreasonable and Vexatious Complaints - there will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. In such cases, reference should be made to the council's Vexatious Complaints Policy.

Anonymous Complaints – no action will be taken in regard anonymous complaints received.

### **Resolution and Remedies**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not.

Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy.

## APPENDIX 1

### FORMAL COMPLAINTS CODE OF PRACTICE

Complaints can be considered at a council meeting. However, the council may also wish to establish a committee to deal with a complaint, which avoids the need for full council having to assemble and makes the process less daunting for a complainant if they choose to attend in person.

If such a committee is formed, it should report its conclusions to the next council meeting. At the meeting considering the complaint, the position of the council may be represented by the Clerk or Chair. If the Clerk is putting forward the justification for the action or procedure complained of, they should not advise the council or committee.

#### Upon receiving a complaint:

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk.
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 Council.
3. The clerk shall acknowledge the receipt of the complaint within 5 working days and advise the complainant when the matter will be considered by the full council or by a committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely on at the meeting.

#### At the meeting considering the complaint:

6. Members shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
7. Chair to introduce everyone.
8. Chair to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any questions of the complainant.
11. If relevant, Clerk to explain the council's position.
12. Members to ask any questions of the Clerk.
13. Clerk and complainant to be offered the opportunity of last word (in this order).

14. Complainant (and clerk, if relevant) to be asked to leave the room while Council members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.

15. Complainant (and clerk, if relevant) return to hear decision, or to be advised when decision will be made.

**After the meeting:**

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

**The Clerk**

Elham Parish Council

**Email:** [clerk@elhampc.co.uk](mailto:clerk@elhampc.co.uk)

Adopted 1st April 2019 Minute 72/19 (1)

Reviewed 6th March 2023 43.23 (4)

4th March 2024 51.24 (5)

3rd March 2025 36.25 (5)

2nd March 2026 38.26 (4)

To be reviewed March 2027