



## Complaints Procedure

**Responsibility:** Full Council

**Review Cycle:** Every two years, or earlier in the event of legislative changes

<u>Date of Adoption / Renewal</u>	<u>Resolution Number</u>
21 September 2010	
12 September 2011	6251
16 December 2013	7042
17 July 2018	8476
10 November 2020	9161
22 November 2022	9959

## COMPLAINTS PROCEDURE

### 1. Introduction and duties

- 1.1 It remains the position that the Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 has issued guidance (February 2013) for local councils.

### 2. Guidelines

- 2.1 It will not be appropriate to deal with all complaints from members of the public under a complaint's procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object to council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult with their auditor / audit commission.
Criminal activity	The police
Councillor conduct	A complaint relating to a councillor's failure to comply with the Code of Conduct must be submitted to Wealden District Council, Monitoring Officer ( <a href="http://www.wealden.gov.uk">www.wealden.gov.uk</a> or 01323 443322 for further information)
Employee conduct	Dealt with by internal disciplinary procedure

- 2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made about the administration of the council or about its procedures. It is not an appropriate forum for a complaint against individuals, as the provisions above cover these situations.
- 2.3 The code of practice is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the Town Clerk or other officer or the Town Mayor.

### 3. The code of practice

- 3.1 The aims of the code of practice are:
- To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the council from other bodies.
  - To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
  - To make the process reasonable, accessible and transparent.
  - At all times, the rules of natural justice will apply and all parties shall be treated fairly.
  - All complaints shall be heard by the council's complaints panel, which shall report its findings to council.

- 3.2 The complaints panel shall comprise of 3 councillors. Best practice is for this to be the chairman or vice chairman of the Personnel committee, the chairman or vice chairman of the relevant committee, and 1 other from the Personnel committee.

#### **4. Before the meeting**

- 4.1 The complainant shall be asked to put the complaint about the council's procedures in writing to the Town Clerk.
- 4.2 If the complainant does not wish to put the complaint to the Town Clerk, they may be advised to put it to the Town Mayor in writing, marked private and confidential, and sent to the Council Offices, Pine Grove, Crowborough, TN6 1DH.
- 4.3 The Town Clerk or The Mayor shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the complaints panel.
- 4.4 The complainant shall be invited to attend the relevant meeting (hearing) and bring with them such representatives as they wish.
- 4.5 Seven (7) clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant shall provide the council with copies of any documentation or other evidence, which they intend to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which it wishes to rely at the meeting.

#### **5. At the meeting**

- 5.1 The complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the next Full Council meeting in 'open session.'
- 5.2 The panel chairman to introduce everyone.
- 5.3 The panel chairman to explain the procedure.
- 5.4 Complainant (or representative) to outline grounds for complaint.
- 5.5 Panel members to ask questions of the complainant.
- 5.6 If relevant, the Town Clerk or other nominated officer, to explain the council's position.
- 5.7 Panel members to ask questions of the Town Clerk or other nominated officer.
- 5.8 The Town Clerk or other nominated officer and complainant to be offered the opportunity of the last word (in this order – i.e. Town Clerk/officer followed by complainant).

- 5.9 The Town Clerk or other nominated officer and complainant to be asked to leave the room while the panel 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.
- 5.10 The Town Clerk or other nominated officer and complainant return to hear the decision, or to be advised when the decision will be made.

## **6. After the meeting**

- 6.1 Decision confirmed in writing to all parties within seven (7) working days together with details of any action to be taken.