

COMPLAINTS PROCEDURE

A policy for handling complaints to the Council. This Policy was adopted by Kennington Community Council (the “Council”) at its meeting held on 21st July 2021.

Introduction and background

1. It is in everyone’s best interests to settle a complaint quickly because, even if unjustified, in the absence of any settlement or action it may be raised again. This is bad for the Council as it wastes time and it affects the Council’s reputation in the community.

2. A member of the public may make a complaint about the Council – its policies, administration, procedures, staff or councillors. We cannot please everyone all the time but we do promise to listen and to do what we can to deal with your complaint.

3. Most commonly, a complaint will be about the Council’s procedures or administration. It will be an expression of dissatisfaction by one or more members of the public about the Council’s action or lack of action or about the standard of a service. A complaint will be considered irrespective of whether the action was taken, or the service provided, by the Council itself or a person or organisation acting on behalf of the Council. The same procedures will apply to all complaints, whether made direct or referred by other bodies.

4. Complaints should always be directed through the Clerk (except for complaints about the Clerk, in which case, the Chair takes the place of the Clerk in managing the process). It may be that the matter you are concerned about could be dealt with in a less formal manner. However, if you wish to use the procedure, please read on.

Complaints which are dealt with outside this policy

5. Certain types of complaint are not subject to this procedure:
- i. Complaints about an employee of the Council will 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. The complainant will be informed in broad terms of any action taken.
 - ii. Members of Local Councils sign a declaration to abide by a Code of Conduct and if they breach that, there are consequences. Complaints alleging such breaches are under the jurisdiction of the Monitoring Officer and complainants are advised to contact the Monitoring Officer, Ashford Borough Council for further information.
 - iii. Complaints about a policy decision made by the Council will be referred to the Council for consideration as a policy matter.

- iv. Financial irregularity – statutory right to object to Council’s audit of accounts under S.16 Audit Commission Act 1998. On other matters, the Council may need to consult its auditor.
- v. Allegations of criminal activity must be reported to the Police.

Making a complaint

6. It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. The Council receives queries, problems and comments as part of its day-to-day business and they should not all be regarded as complaints. It is hoped that less formal measures or explanations provided to the complainant by the Clerk will resolve most issues. Any informal complaint of significance will be reported to the Council or relevant committee by the Clerk.
7. The procedure is based on the framework suggested by the National Association of Local Councils. At all times, the rules of natural justice will apply. All parties must be treated fairly and the process should be reasonable, accessible and transparent. The Council will take care to ensure that no conscious or unconscious bias is applied due to the particular circumstances of the complainant.
8. If your complaint about procedures, administration or the actions the Council’s employee is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting your name and contact details and the nature of the complaint and will be sent to you for your confirmation.
9. When your complaint has been received, we will write to you within seven days to let you know:
 - Who is responsible for dealing with the complaint.
 - How it will be dealt with.
 - When the complaint is likely to be dealt with.

What to do

10. Complaints can be made
 - By writing to or telephoning the Clerk to the Council (see Website for current details).
 - By writing to or telephoning the Chair of the Parish Council (see Website for current details)If the complaint is about the Clerk, please telephone or write to the Chair.

What happens next?

11. On receipt of your written complaint, the Clerk to the Council will seek to settle the complaint directly with you by explaining the Council's position, if this is appropriate. Attempts will be made to resolve the complaint at this stage.
12. The Clerk or Chair, as applicable, will acknowledge receipt of your complaint within seven working days and will also advise when the matter will be dealt with by the complaints committee.
13. Generally speaking, complainants can expect to receive a response in full within a month of the acknowledgement of the complaint.
14. The Council will normally establish a committee of 5 members to handle a complaint. This makes the process less daunting for a complainant if they choose to attend a meeting in person. It will not include a councillor who has personal involvement in the complaint. The committee should report its conclusions to the next full Council meeting, after the complaint has been investigated. Two councillors will be nominated in advance not to take part in Council's consideration of the report, in order to provide for an independent review if required (see para 29 below)
15. You will be invited to attend a meeting and to bring any representative if you wish.
16. Seven clear working days prior to the meeting, you are requested to provide the Council with copies of any documentation or other evidence which you wish to refer to at the meeting. Similarly, the Council will provide you with copies of any documentation on which it wishes to rely at the meeting.

Procedure at the Meeting

17. The complaints committee will consider whether the circumstances of the meeting warrant the exclusion of the press and public.
18. The Chair will introduce everyone and will explain the procedure.
19. You, as the complainant, or your representative, will outline the grounds for complaint.
20. Members of the complaints committee will ask questions of you or your representative.
21. If relevant, the Clerk will explain the Council's position.
22. Members of the committee will also be able to ask questions of the Clerk to the Council.
23. The Chair will summarise the Council's position that the committee has heard and then you will be offered the opportunity of summing up.

24. You will be asked to withdraw from the meeting (together with your representative or anyone accompanying you) whilst Members reach a decision on whether or not the grounds for the complaint have been made. It may be appropriate in some circumstances for the Clerk also to withdraw from the meeting whilst Members reach a decision.
25. If any points of clarification are required, you will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.
26. You will then re-join the meeting to be advised of the decision of the committee or, if necessary, to be advised when a decision will be made. You will be given the reasons for the decision, except where the level of detail is such that the reasons need to be sent to you in the decision letter.

After the meeting

27. The decision will be confirmed in writing within seven working days, together with details of any action to be taken; in the event that any evidence given has been disregarded, the reasons for this will be explained. The outcome of the complaint will be published.

What to do if you are still not satisfied

28. The decision of the Community Council is final with no external appeal process as the Local Government Ombudsman does not consider complaints in respect of Community Councils. If you are not satisfied, you may however ask for the complaint handling to be reviewed by the two councillors who have kept themselves apart from the proceedings.

Anonymous and unreasonable or vexatious Complaints

29. Anonymous complaints will be disregarded.
30. 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. These are the subject of a separate policy of the Council.

Version History

| Version | Date | Comments |
|----------------|---------------------------|---|
| Draft v0.1 | 22 April 2021 | Cllr Cooper, First draft for Finance and General Purposes Committee 28 April 2021 |
| Draft v0.2 | 28 April 2021 | FGP amended point 15 and 28 |
| Draft v0.3 | 17 June 2021 | Amendments requested in informal Council seminar: re-ordering of paras 1-9 |
| Version 2.00 | 21 st July 201 | Adopted. |

