

Barham Parish Council - Complaints Policy

1. Introduction: The following guide has been formulated from the framework recommended by the National Association of Local Councils. It has been designed to cover complaints against actions of the Council's staff or its administration.

Councillors are elected by the public to represent constituents of the Parish. Councillors should conduct themselves in a way that is beyond reproach. However, if anyone believes that a Councillor has behaved wrongly, this guide explains how to make a complaint and how the complaint will be dealt with.

Barham Parish Council is committed to providing a quality service to the residents of the Parish, and to anyone who deals with the Parish Council.

The purpose of a complaints system is to put right what has gone wrong and to learn from it. And to offer the opportunity to complain, and for the issue to be investigated and resolved, whether or not something has actually been done wrong.

Barham Parish Council is committed to conducting its business in a fair, transparent, and equitable manner and where complaints arise, the Council will attempt to resolve them by informal discussion.

Barham Parish Council takes all complaints seriously and it is our experience that many complaints can be resolved quickly and effectively on an informal basis. In the event that informal discussion is unable to resolve the complaint a formal complaint may be made.

2. Who can you complain about? You can complain about elected Councillors, or co-opted members, of Barham Parish Council (A co-opted member is a voting member of the Parish Council or one of its committees, who was appointed to their position rather than being elected).

3. Formal Complaints: The Local Government Ombudsman offers the following definition of a complaint: "A complaint is an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response." (Local Government and Social Care Ombudsman October 2020).

4. Types of complaint: It is not appropriate for all types of complaint to be dealt with under the Council's complaint procedure. In particular this draft procedure is not appropriate for serious complaints relating to the conduct of an individual, which should be redirected and dealt with in the ways suggested in the table below.

Other procedures or bodies should be considered for the following types of complaint:

Type of conduct	Refer to
Financial irregularity	Any complaint about financial irregularity should be referred to the Parish Council's independent internal auditor, or to the Audit Commission or equivalent.
Criminal Activity	Any complaints concerning criminal activity must be directed to Kent Police
Member conduct	A complaint about a Member must be referred to the Monitoring Officer at Canterbury City Council. They can decide if there has been a breach of the Code of Conduct, and if so what penalty to impose.
Employee conduct	Any employee conduct issues should be dealt with by the Parish Council's internal disciplinary procedure

5. Confidentiality: Anonymous complaints will not be accepted. It is also unlikely that a complainant's identity will be kept confidential from the person(s) about which the complaint is being made. In the interests of fairness and natural justice, Barham Parish Council believes Councillors who are complained about have a right to know who has made the complaint. They also have a right to be provided with a summary of the complaint. Similarly, if Barham Parish Council needs to re-direct a complaint to the Internal Auditor, Police or Standards Committee the complainant's identity and details will also be disclosed.

AT ALL TIMES THE COMPLAINT SHALL BE DEALT WITH IN CONFIDENCE AND WITH DUE REGARD TO NON-DISCLOSURE OF EXEMPT INFORMATION.

Barham Parish Council will respect the Local Government Ombudsman advice that the identity of a complainant should only be made known to those who need to consider the complaint. At all times, all parties should be treated fairly, and the process should be reasonable, accessible, and transparent.

6. Stages of the complaint:

Stage 1	A less formal, either verbal or written, explanation offered to the complainant by the Clerk or Chairman. If the complainant remains dissatisfied, he/she must state reasons for their dissatisfaction and the complaint process moves to Stage 2:
Stage 2	A full formal written response to the complainant by the Clerk or Chairman.
Stage 3	A formal meeting of either full Council assembled or a committee of Councillors to deal with the complaint. See the attached Appendix for the procedures for before, during and after the meeting.
Stage 4	If a complaint cannot be resolved through the internal complaints procedure the complainant should be advised in writing of their right to pursue the matter with either: • The Monitoring Officer at Canterbury City Council if the complaint is about a member's behaviour or conduct. • The Local Government Ombudsman (LGO) may be able to help the complainant. The complaint must come to the Parish Council first and follow the Council's complaint procedure. All the above stages must be completed first before the LGO will look at the complaint. They do not have to investigate every complaint they receive. • There are three LGOs in England, appointed by His Majesty The King, who investigate matters about most Council matters including planning, housing, transport, highways, council tax, and so on. Their service is independent, impartial, and free. The LGO has the same powers as the High Court to obtain information and documents. The LGO decision is final and cannot be appealed. The LGO Advice Team may be contacted on 0300 061 0614 between 10am-4pm Monday to Friday; also view: www.lgo.org.uk/contact-us

7. Timeframe: All complaints shall be dealt with as expediently as possible and within a 12-week timeframe for investigation and resolution. If this timeframe cannot be met the complainant shall be informed as soon as possible with reasons for the delay and an indicative resolution date.

8. Publicity: This complaint procedure will be publicised on the Parish Council's website. Additionally, any resident may contact the Clerk and request that a copy of the document be emailed or posted to them. Councillors have an important role to play in ensuring their constituents are aware of what procedures exist to assist them in raising concerns.

9. Contacting the Council: Residents can contact the Parish Clerk: In writing to: The Parish Clerk, 1 Hall Place, Hoath, Kent, CT3 4NF or Email: clerk@barhamparishcouncil.gov.uk

The Chairman and Parish Councillors can be contacted via the Parish Clerk, the Parish Council website at www.barhamparishcouncil.gov.uk details a list of all Parish Councillors.

APPENDIX 1:

Complaint's procedure for Stage 3 complaints: This appendix gives more detail of how to handle a complaint at Stage 3. The two prior stages, Stage 1 (A less formal, verbal, or written explanation by the Parish Clerk or Chairman) and Stage 2 (A full formal written response to the complainant by the Parish Clerk or Chairman) will have been carried out first, but the complainant remains dissatisfied.

Stage 3 involves a formal meeting of either full Council assembled or a committee of Councillors to deal with the complaint. A sub-committee is considered preferable as this makes the process easier to arrange and is also less daunting for a complainant if they choose to attend in person.

The following outlines the procedures for before, during and after the meeting:

Before the meeting:

1. If a formal complaint is to be made the complainant should write to the Parish Clerk giving full details of the complaint about the Council's procedures or administration. The Parish Clerk should then formally record and date the complaint and acknowledge the complaint within seven working days.
2. If the complaint is about the Parish Clerk, or if the complainant does not wish to put the complaint to the Parish Clerk (by reason of the complaint being about that Officer, or any other reason), then they should be advised that the complaint should be addressed to the Chairman or Vice Chairman of the Parish Council, to be recorded and acknowledged as above.
3. With the acknowledgement, the complainant shall be advised when the matter will be considered by the Council or by the committee established for the purpose of hearing the complaint. 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 (if, for example, the complaint is to be heard by committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. At least seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence that 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 refer to 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

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press under the Public Bodies (Admission to Meetings) Act 1960. If it is to be a closed meeting then the Council will advertise it as a closed meeting however, any decision on a complaint shall be announced at the Council meeting in public and be subsequently recorded in the Minutes of the next appropriate Council meeting.
7. The Chairman should introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.
8. The complainant (or representative) shall be invited to outline the grounds for complaint and, thereafter, questions may be asked by (i) the Parish Clerk and then (ii) Members.

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9. The Parish Clerk will have the opportunity to explain the council's position and any questions to the Parish Clerk may be asked by (i) the complainant and (ii) Members.

10. The complainant should then be offered the opportunity of a last word as a means of summarising their position.

11. The Parish Clerk should then be offered the opportunity of a last word as a means of summarising their position.

12. The Parish Clerk 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 Parish Clerk and the complainant should be given the opportunity to wait for the decision and hear the decision, but if the decision is unlikely to be finalised on that day, then 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 the details of any action to be taken.

15. The announcement of any decision should be made in public at the next appropriate Council meeting.

16. The Parish Clerk will add the details to the Council's 'Complaints Recording System', and any received should also be reported annually at Annual Meeting of the Council.