

BIRLING PARISH COUNCIL COMPAINTS POLICY

The following Complaints Policy has been created based on the framework suggested by the National Association of Local Councils. This policy is intended to assist local residents to deal with complaints against actions of the Council's staff or its administration.

Birling Parish Council will not acknowledge or consider, under any circumstances, complaints that are submitted anonymously.

Birling Parish Council aims to operate in a way that is open, transparent and fair and to provide efficient and appropriate services to the community of Birling. The Council welcomes feedback from the public at all times.

Complaints handled by the Clerk

In the event that the Council does not satisfy a member of the public, Birling Parish Council has a two stage complaints procedure.

1. If complaints are made to the Council either in person, by telephone, letter or email the Clerk will try to resolve the complaint informally in a timely manner.
2. Complaints must always be directed through the Clerk, not through individual Councillors. A complainant may advise a Councillor of the details of the complaint but individual Councillors are not authorised to resolve complaints
3. It is hoped that most complaints can be resolved quickly and amicably through this route.

Complaints handled by the Parish Council

However, if the complainant is not satisfied by the informal actions taken, he or she will be asked to submit a formal complaint which should be directed to the Clerk. The Clerk is the Proper Officer of the Council.

1. A formal complaint must be submitted in writing to the Clerk, addressed to the Clerk or Chairman of the Parish Council as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
2. The Clerk or Chairman of the Parish Council will acknowledge receipt of the complaint, in writing, within 5 working days.
3. On receipt of a complaint the Clerk, in consultation with the Chairman of the Parish Council, will ascertain the category of the complaint and take the relevant action with reference to the complaint category detailed in Appendix 1.
4. The Clerk or Chairman of the Parish Council will carry out an initial investigation into the complaint and will, within 10 working days, provide the complainant with an update in progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint will be considered closed.
5. The Clerk or Chairman of the Parish Council will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.
6. If the Clerk or Chairman of the Parish Council is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to the next Council meeting. The Council can decide to instigate a formal investigation and review the decision at the next meeting.
7. A complaint against a member of the Council's staff could result in disciplinary action or in cases of gross misconduct, dismissal from the Council's employment. The

Council, will not under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally against the member of staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

8. A complaint against an individual Councillor is not covered by this Complaints Policy. If anyone wishes to make a complaint about the behaviour of an individual Councillor they must write to the Monitoring Officer, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about
 - a. Matters that are not covered by the Councillors Code of Conduct.
 - b. Complaints that are about people employed by the Parish Council
 - c. Incidents that happened before a member was elected or chose to serve on the Council
 - d. Incidents that happened before the authority adopted its Code of Conduct
 - e. The way an authority conducts or records its meetings
 - f. The way an authority has or has not done something
 - g. A decision of the authority
 - h. One of the services it provides.

Repeated or Vexatious Complaints

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that it unacceptably stressful for staff.

Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable or which has the effect of intimidating or harassing staff.

A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner.

A complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council giving the reason and scope. This will be confirmed in writing to the complainant.

Appendix 1

	Complaint Category	Action
A	Financial irregularity	The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk /RFO may need to consult the auditor/Audit Commission. If the complainant is not satisfied, the Clerk should advise the complainant of the Local Elector's statutory right to object Council's

		audit of accounts pursuant to s.16 Audit Commission Act 1998.
B	Criminal activity	The Clerk should refer the complainant to the Police.
C	Member conduct	If the complaint relates to a failure to comply with the Code of Conduct the complainant should be advised to submit the complaint to the Monitoring Officer at Tonbridge and Malling Borough Council.
D	Employee conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.
E	Other*	Should be dealt with under the following complaints procedure.

*Category E complaints are "expressions 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, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council". These will be heard by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf.