

Overview

Clear guidance on handling complaints has been produced by the Local Government Ombudsman (LGO) and can be accessed from the publications page of the LGO website (www.lgo.org.uk). Although directed at principal councils in England, parish and community councils may also find this guidance helpful. In addition, the Public Services Ombudsman for Wales has published general guidance (including *Principles of Good Administration* and *Principles for Remedy*).

It is important that the council's response to a complaint is "proportionate and timely". The LGO guidance for principal councils suggests that most complaints should be resolved within twelve weeks of receipt of the complaint. In many cases, resolution may be possible within a much shorter timescale. Often an acknowledgement that something has gone wrong and an apology are all that the complainant wants.

Not all complaints are justified or well-founded. Sometimes councils may find themselves being called upon to respond repeatedly to an individual or group of individuals where that council has already investigated the matter under complaint (or something very similar) and has concluded that the complaint is without substance. In these cases, the LGO's 'Guidance note on management of unreasonable complainant behaviour' offers useful suggestions for the approach which may be taken and is readily applied to first-tier councils.

The following text forms the basis for a model complaints procedure which can be adapted by parish and community councils to suit their own particular circumstances. All complaints policies require regular reviews and a review every two years might be thought suitable. This enables the council to take account of structural and legal changes such as changes to the standards regime in England brought about by the coming into force of provisions in the Localism Act 2011.

Sellindge Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

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 adopted by the Council on 9th October 2012 and, if a complaint against a Councillor is received by the council, it will be referred to the Monitoring Officer at Folkestone & Hythe District Council.

The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures.

1. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
2. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
3. The complainant will be asked to put the complaint in writing (letter/e-mail /standard form) to the Clerk to the *Council at Council Office, Main Road, Sellindge TN25 6JY*.
4. The complaint will be acknowledged within 10 working days and dealt with within 25 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chairman of the staffing committee
6. (a) On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chairperson of Council (if the complaint relates to the Clerk), will seek to arrange a meeting of the Staffing Committee to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her the opportunity to comment. Efforts should be made to resolve the complaint at this stage.

(b) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of the Staffing Committee.

The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

7. The Clerk to the Council (or Chair of the Staffing Committee) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Clerk to the Council (or Chair of the Staffing Committee) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
9. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
10. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
11. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
12. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
13. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

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