

CRANBROOK & SISSINGHURST PARISH COUNCIL  
COMPLAINTS PROCEDURE

1. This Policy sets out procedures for dealing with complaints about the Council's administration and procedures. Complaints about a policy decision made by the Council shall be referred back to Council, or relevant Committee, as appropriate, for consideration (please refer to section 7 entitled 'Previous Resolutions' in the Council's Standing Orders as adopted 12<sup>th</sup> February 2015). If a complaint is not satisfactorily resolved, advice should be sought from the Monitoring Officer.
2. This procedure does not cover the following:
  - a) A complaint about the conduct of a Member of the Parish Council. All Councillors have signed a declaration that they will abide by the Code of Conduct as adopted by this Council on 9<sup>th</sup> August 2012. Any complaints regarding his or her conduct should be referred to the Monitoring Officer at Tunbridge Wells Borough Council; they are responsible for handling complaints relating to a Councillors failure to comply with the Council's Code of Conduct.
  - b) A complaint regarding financial irregularity. A local elector has a statutory right to object to a Council's audit of accounts (Audit Commission Act 1998 s.16) or consult with the Council's Auditor or the Audit Commission.
  - c) Alleged criminal activity. With regard to any complaint received of this nature, the complainant should be referred to the Police.
3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor or the Clerk to the Council, they should seek to satisfy the complaint fully. If that fails, the complainant should be asked to put the complaint in writing to the Clerk to the Council and be assured that it will be dealt with promptly with the target date of fourteen working days.
4. If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Chairman of Council.
5.
  - a) On receipt of a written complaint the Chairman of Council or the Clerk to the Council (*except where the complaint is about his or her own actions*), shall try to settle the complaint directly with the complainant by informal resolution. If the complaint is regarding an employee, a person or their actions, that person should be given an opportunity to comment in writing. Efforts should be made to attempt to settle the complaint at this stage.
  - b) Where a written complaint about the Clerk or their actions is received, this should be referred to the Chairman of Council. The Clerk should be notified and given the opportunity to comment in writing.
6. The Clerk to the Council or Chairman of Council shall report to the next meeting of the Council any written complaint disposed of by informal resolution with the complainant.
7. The Clerk to the Council or Chairman of Council shall bring any written complaint that has not been resolved to the next meeting of the Council. The Clerk to the Council shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered an opportunity to explain the complaint orally. (Unless such a matter may be related to Grievance, Disciplinary or other proceedings that are taking, or likely to take place when such a hearing may prejudice those hearings when the complaint will have to be heard under Exempt Business to exclude any member of the public or the press, or deferred on appropriate advice received).

8. The Council shall consider whether the circumstances surrounding any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
9. The Council may consider in the circumstances of any particular complaint whether to make any 'without prejudice' payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration, if proven. 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. The Council's insurers will be notified of the complaint immediately.
10. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.
11. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

Adopted 12<sup>th</sup> February 2015