



# UPCHURCH PARISH COUNCIL

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Clerk to the Council:

Mrs W Licence

14 Trapfield Close, Bearsted, Maidstone ME14 4HT

Tel: 01634-363906 email: clerkupc@outlook.com

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## Complaints Procedure

Upchurch Parish Council is committed to providing a quality service to residents of the Parish and to anyone who deals with the Parish Council. The Parish Council is determined to conduct its business in a fair and equitable manner. To meet this standard the following complaints procedure has been adopted. Complaints or allegations will normally fall under one of three heads, namely:

- Misconduct by Parish Councillors.
- Misconduct by Council staff.
- The Parish Council's procedures, policy or administration.

Misconduct by Parish Councillors. All councillors have to conform to the adopted Code of Conduct a copy of which is available on the Parish Council website or from the Clerk. The Code of Conduct details the behaviour and rules by which a Councillor has to work and details the seven principles of public life: **SELFLESSNESS, INTEGRITY, OBJECTIVITY, ACCOUNTABILITY, OPENNESS, HONESTY** and **LEADERSHIP**. Any member of the public, parish councillor or council personnel can make a complaint using the Swale Borough Council complaints procedure details of which can be found on the Swale Borough Council website or obtained from Swale Borough Council.

The Parish Council has a separate policy (Code of Conduct Complaints) detailing the process it would take if it was informed of a complaint to the Monitoring Officer at Swale Borough Council.

### **Misconduct by Council staff**

Any complaints should be made in writing to the Chairman of the Parish Council, the e-mail contact address and telephone number are on the parish website or are available from the Clerk. If a letter is received by the Clerk it will be passed onto the Chairman. The matter will come under the Parish Council's adopted Disciplinary Procedure of the Parish Council.

### **The Parish Council's procedures, policy or administration**

A complaint should not be made just because you do not agree with a decision of the Parish Council. You will need to show that the Parish Council did not follow correct procedure or policy and this has resulted in unfair treatment. The Parish Council has numerous policies and procedures and its minutes and most records are open for public scrutiny. This policy is in accordance with the Freedom of Information Act 2000 – Publication Scheme.

A copy of the Freedom of Information Act publication scheme and the Council's minutes and many other policies are on the Parish Council's website or are available from the Clerk. It is in the particular interest of a Parish Council to settle a complaint because, even if it is unjustified, it will in the absence of a settlement be raised again. This is bad for the council since it wastes time and affects its reputation.

If a complaint about procedures or administration is notified orally to a councillor or clerk and they cannot satisfy the complainant forthwith the complainant shall be asked to put the complaint in writing to the clerk.

If the complainant prefers not to put the complaint to the clerk he/ she shall be advised to put it to the chairman.

1. On receipt of a written complaint the clerk or chairman, as the case may be, shall try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the clerk or of a councillor without first notifying that person and

giving them an opportunity for comment on the manner in which it is intended to attempt to settle the complaint. The Parish Council shall not get involved with complainants about the misconduct of a councillor but will instead refer the complainant to the Local Monitoring Officer at Swale Borough Council.

2. Where the chairman receives a written complaint about his or her own actions then he or she shall forthwith refer the complaint to the council.

3. Where the clerk receives a written complaint about his or her own actions then he or she shall forthwith refer the complaint to the chairman.

4. The chairman or the clerk shall report to the next meeting of the Parish Council any written complaint disposed of by direct action, by the clerk or chairman or appointed officer, with the complainant.

5. The chairman or clerk shall bring any written complaint that has not been settled to the next meeting of the Parish Council. The Council will be satisfied that the complaint cannot be disposed of by direct action with the complainant. The clerk 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. If the complainant is submitting documentation or evidence to which they will be referring to at the meeting then they should, 7 clear working days prior to the meeting, provide copies to the council. Similarly the Parish Council should supply the complainant with copies of any Parish Council documents, which are requested and available under the Freedom of Information Act - Publication Scheme.

6. The Parish Council shall consider whether the circumstances attending any complaint warrants the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Parish Council meeting in public. In the interest of openness and accountability there must be clear relevant reasons or a request from the complainant for the matter to be held without the presence of the press or public.

7. At the meeting the Chairman should

- (a) Introduce everyone
- (b) Explain the procedure
- (c) Ask the complainant to outline the grounds of the complaint.
- (d) Allow members to ask questions.
- (e) Allow the Clerk to explain the council's position.
- (f) Allow members to question the Clerk or Chair or Investigating Officer.
- (g) Members to retire decide whether or not the grounds for the complaint have been made.
- (h) Members to return and Chairman to give outcome of the complaint.

8. Within 7 working days of the meeting the decision and the nature of any action to be taken shall be communicated in writing to the complainant.

9. The Parish 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.

Note. The Local Government Ombudsman is unable to deal with complaints about Parish Councils as its legal remit only covers County, District and Borough Councils.