



Policy: Egerton Parish Council Complaints Policy and Procedure

Date of adoption by PC: 6<sup>th</sup> April 2021

Date of review: 7<sup>th</sup> April 2022

## **1. Introduction**

The following Complaints Policy has been created on the framework suggested by the National Association of Councils and is intended to help local residents to deal with complaints against actions of the Council's staff or its administration. The Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales.

Egerton 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 Egerton. The Council welcomes feedback from the public at all times.

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

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.

## **2. Informal Complaints**

If complaints are made to the Clerk by letter or email, the Clerk will try to resolve the complaint informally in a timely manner.

It is hoped that most complaints will be resolved quickly and amicably via this route. In the event that the informal process does not satisfy a member of the public, Egerton Parish Council has a formal procedure that should be followed.

## **3. Formal Complaints Handled by the Parish Council**

If the complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, he or she will be asked to submit a formal complaint in writing to the offices of the Clerk, addressed to the Clerk or Chairman of the Parish Council as appropriate. The complaint will need to cover as much detail as possible and enclose/attach all relevant supporting documentation.

**3.1.** The Clerk or Chairman will acknowledge receipt of the complaint in writing within 10 working days.

**3.2.** On receipt of the complaint the Clerk, in consultation with the Chairman, will ascertain if the grounds of the complaint are founded. If the complaint is seen to be founded, then they will agree the category of the complaint and take the relevant action with reference to the complaint category detailed in Appendix 1. The complainant will be informed which category the complaint falls under and the action required.

**3.3.** If the complaint is considered to be a category D complaint, the Clerk or Chairman will advise the complainant when the matter will be considered by the Complaints Committee. The Procedure in Appendix 2 will be followed for these.

#### **4. 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 Egerton Parish Council resources and can sometimes act in a manner that is unacceptably stressful for staff.

While everyone has the right to make a legitimate complaint, they are not entitled to 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 variety of ways:

- i) Actions which are obsessive, persistent, harassing, prolific, repetitious. Prolific is characterised as more than one complaint submitted within a six-month period;
- ii) Insistence upon pursuing ill-founded complaints and/or unrealistic outcomes;
- iii) Insistence on pursuing creditable complaints in a manner that would be considered aggressive, rude, confrontational or harassing.

A complainant will be considered vexatious once a decision has been passed to that effect by the Egerton Parish Council Complaints Committee. This will be confirmed in writing to the complainant.

## **Appendix 1**

### **A. Criminal Activity**

The Clerk will refer the Complainant to the Police.

### **B. Member Conduct**

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 at Ashford Borough Council. The person making the complaint must be aware that the complaint made will be copied to the Councillor concerned.

### **C. Employee Conduct**

As an internal disciplinary matter this will be dealt with under the Council's disciplinary procedure. The Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally against any member of staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

### **D. Other**

Category D 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 dealt with by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf.

## **Appendix 2**

Before the meeting of the Complaints Committee:

1. The Complainant will be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or their substitute. The Clerk, or Chairman, will acknowledge receipt of the request within 10 working days.
2. A Complaints Committee will be appointed from the membership of the Council. There will be a minimum membership of three Councillors. No members will be appointed who have already been involved in the subject of the complaint.
3. The Clerk or their substitute will advise the Complainant when the matter will be considered. All complaints will be treated as confidential unless otherwise notified.
4. All Complaints will be considered on the basis of the supporting material submitted. If further detail is required, or questions need to be asked, the complainant will be notified in writing of the information required after the first meeting of the Complaints Committee. They will be asked to submit the information required within 15 working days.
5. If additional information is not required the Complaints Committee will make a decision. The complainant will be notified in writing of the decision within 10 working days.
6. If additional detail is required, the Complaints Committee will reconvene within 15 working days of receipt of the additional details to allow them time to read and consider the material submitted. The complainant will be notified in writing of the decision within 10 working days.
7. Egerton Parish Council is a small body and unable to support verbal submissions or face to face meetings with complainants.
8. Egerton Parish Council will use its best endeavours to make a decision within a maximum 12 weeks of the original date of submission of the complaint.

### **Right of Appeal**

An appeal against a decision reached by Egerton Parish Council will be heard under a reciprocal arrangement with Pluckley Parish Council. Submission for Appeal will need to be made in writing to The Clerk of Egerton Parish Council with clear supporting documentation that includes the reason for requesting the Appeal. This will then be transferred under the reciprocal arrangement to Pluckley Parish Council Complaints Committee. The first meeting held will be to review whether there are acceptable grounds for the Appeal to be heard. The Pluckley Complaints Committee must ensure that there is no conflict of interest in considering the Appeal; and if there is, substitute Committee members must be selected. If the Appeal is found to have merit ie the Complainant can prove that their complaint was not properly investigated by Egerton Parish Council Complaints Committee, it will progress to a full review of the original complaint made.

## **Appendix 3**

### **Useful contacts**

Clerk to Egerton Parish Council: Sonia Young, Millennium Hall, Elm Close, Egerton, Kent TN27 9DS.  
clerkegertonpc@hotmail.co.uk 01233 756501 (Tues – Thurs, 9am-3pm)

Chairman Egerton Parish Council: Cllr Richard King, Millennium Hall, Elm Close, Egerton, Kent TN27 9DS.