

## **COMPLAINTS PROCEDURE (Code of Practice)**

This Code of Practice is designed for those complaints that cannot be satisfied by less formal measures provided to the complainant by the Clerk, other proper officer or the Chairman or nominated deputy. The Code is aimed at those situations where a complaint has been made about the administration of the council or about its procedures. It is not an appropriate procedure for a complaint against individuals; these should be dealt with by contacting the Standards Board for England, telephone 0845 078 8181 or by e-mail at enquiries@standardsboard.gov.uk or the local Monitoring Officer at Sevenoaks District Council.

### **Before the Meeting**

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated Proper Officer.
2. If the complainant does not wish to put the complaint to the Clerk or other Proper Officer, they may be advised to put it to the Chair of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the Committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representation as they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

### **At the Meeting**

6. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the Council Meeting in public.
7. The Chair to introduce everybody.
8. The Chair to explain the procedure.
9. The Complainant (or representative) to outline the grounds for the complaint.
10. Members to ask any questions to the complainant.
11. If relevant, the Clerk or Proper Officer to explain the Council's position.
12. Members to ask any questions of the Clerk or Proper Officer.
13. Clerk or other Proper Officer and complainant to be offered the opportunity of last word (in this order).
14. Clerk or other Proper Officer and complainant to be asked to leave the room while Members decide whether or not grounds for the complainant have been made. (Both parties may be invited back if a point of clarity is necessary.)
15. Clerk or other Proper Officer and complainant return to hear decision, or to be advised when a decision will be made.

After the Meeting

- 16. Decision to be confirmed in writing within seven working days together with details of any action to be taken.

Freedom of Information Complaints Procedure

- 17. Any person who believes that Badgers Mount Parish Council are not complying with their publication scheme or who is unhappy with the way that their request for information has been handled, or with the outcome of the consideration of the request, has the right to make a formal complaint if the issue cannot be resolved informally in discussion with the Clerk or other Proper Officer dealing with the original request.
- 18. Complaints must be submitted in writing addressed to the Clerk of Badgers Mount Parish Council. A complaint should be made no longer than 4 weeks after the applicant has received a response.
- 19. We will respond to the complaint within the 20 working day time limit. If at any time it becomes apparent that this deadline cannot be met, the applicant will be informed and given an explanation of the delay. The complainant will be advised that they have the right to complain directly to the Information Commissioner if they are dissatisfied with the outcome of the procedure.
- 19. Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 545 7000. [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).
- 20. The Information Commissioner recommends that complaints should first be made to the public authority concerned. It is only after it has gone through this internal complaints procedure that the Information Commissioner should be contacted.
- 21. This section shall be used for complaints under the Freedom of Information Act, the environmental information regulations and those relating to the publication scheme.
- 22. The previous section shall be used for complaints relating to data protection and for general complaints about council services.

This Complaints Procedure was adopted by the Council at its meeting held on June 7, 2018

Signed: Clerk:

Chairman:

Geoff Dessent

John Grint

Date: 7/6/2018

7/6/2018

[Signed paper copy held by the Clerk]