



# Tenterden Town Council

## Complaints Procedure

Reviewed	Adopted
	October 2016
Approving committee: Internal Committee	26/09/2022
Policy version reference	Version 2
Next review	October 2024

## 1. Introduction

Tenterden Town 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. Concerns or dissatisfaction with the standard of service received will be handled under this Complaints Procedure, which sets out how complaints can be made and how the town council will try to resolve that complaint.

## 2. What is a complaint

A complaint is an expression of dissatisfaction by one or more members of the public. It may relate to the town council's action or lack of action or about the standard of a service. The policy applies whether the action was taken, or the service provided by the town council itself or by a person or body acting on the council's behalf and where the matter has not been referred to an external authority.

## 3. Matters not covered by this policy

This Complaints Policy does not apply to the following matters.

Alleged financial irregularity	Complaints of alleged financial irregularity are handled by the town council's auditors. Their contact details can be obtained from the Town Clerk.
Alleged criminal activity	Any complaints regarding suspected criminal activity should be reported to the police.
Complaints by town council employees or councillors	Complaints by members of staff are handled under the town council's Grievance Policy. Any councillor with a concern regarding a member of staff should notify the Town Clerk or the sub-committee that handles staffing matters.
Councillor conduct	A complaint alleging a councillor has breached the town council's Code of Conduct should be directed to Ashford Borough Council's Monitoring Officer. The town council's Code of Conduct is available here: <a href="https://www.tenterdentowncouncil.gov.uk/en/page/policies-information">https://www.tenterdentowncouncil.gov.uk/en/page/policies-information</a>  The Monitoring Officer can be contacted through Legal and Democratic Services at Ashford Borough Council. Advice on these matters is available at: <a href="https://www.ashford.gov.uk/contact-us/complaints/councillor-complaints">https://www.ashford.gov.uk/contact-us/complaints/councillor-complaints</a>

## 4. How to make a complaint

Complaints should be addressed to the Town Clerk in writing (by email or post) to the address below. Where appropriate, reasonable adjustments will be made to accept complaints received otherwise.

<a href="mailto:townclerk@tenterdentowncouncil.gov.uk">townclerk@tenterdentowncouncil.gov.uk</a>	Town Hall, 24 High Street, Tenterden, TN30 6AN
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If the complaint concerns the Town Clerk, the complaint should be addressed to the Town Mayor who will follow the process set out in this policy.

The name and email address of the current Town Mayor are available on the town council website. <a href="https://www.tenterdentowncouncil.gov.uk/">https://www.tenterdentowncouncil.gov.uk/</a>	Postal address as above
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## 5. Complaints Procedure

The following procedure will be adopted for dealing with complaints received by the town council.

### 5.1 Receipt of the complaint

The Town Clerk will acknowledge receipt of the complaint in writing within 5 working days. A copy of the Complaints Policy will be provided, and it will be confirmed whether the complaint is to be treated as confidential. The next steps to be followed will be confirmed.

### 5.2 Investigation of the complaint

The Town Clerk, as proper officer of the town council will investigate the facts of the complaint and collate relevant evidence. The Town Clerk will obtain any further information as necessary from the complainant, staff, or councillors before making an assessment based on the town council's established policies and Standing Orders. The Town Clerk cannot uphold the complaint if these policies and Standing Orders have been adhered to.

### 5.3 Complaints relating to employee conduct

Complaints of this nature will follow the process set out within this policy. Should it transpire that any actions are required as a result of this process, these will be treated as an employment matter and handled separately with reference to the town council's employment policies. Employment matters are confidential between the town council and the individual concerned and details of any actions taken, or separate process followed will not be made available to the complainant.

### 5.4 Decision notification

The Town Clerk will endeavour to deal with the complaint and issue a written decision within 21 days of receipt.

### 5.5 Right of appeal

If the complainant is dissatisfied with the outcome, they can request the matter be considered by a Complaints Panel.

### 5.6 Referral to Complaints Panel

At the Town Clerk's discretion, in exceptional circumstances and if thought appropriate, s/he may submit a complaint directly to the Complaints Panel.

## 6. Complaints Panel

The following procedure will be adopted for dealing with requests for referral to a Complaints Panel.

### 6.1 Referral to Complaints Panel

This stage will be invoked if the complainant is not happy with the outcome of their complaint. The complainant will need to provide new evidence or evidence that their complaint has not been handled appropriately. The request for referral must be made by the complainant within 14 days of receiving the written decision provided.

The Town Mayor will appoint a Complaints Panel, which will investigate and report its findings to the complainant and a Town Council meeting, after having followed the procedure below. Councillors or members of staff involved in the original decision will not normally participate in the Complaints Panel process.

Should the complaint concern the Town Clerk, the matter will be referred to the Staff and Employment sub-committee for consideration.

The Town Council may defer dealing with any complaint if it is of the opinion that issues of law or practice arise on which professional advice is required.

## 6.2 Before the Complaints Panel meeting

- (i) The complainant will be asked to put the complaint about the town council's procedures or administration - along with any new evidence, in writing to the Town Clerk (or, if the complaint involves the Town Clerk, to the Town Mayor, who will in turn notify the Staff and Employment sub-committee).
- (ii) The Town Clerk (or if the complaint involves the Town Clerk, a member of the Staff and Employment sub-committee) will acknowledge receipt of the complaint and indicate when the matter will be considered by the Complaints Panel.
- (iii) The complainant will be invited to attend the panel meeting and to bring a representative. The town council should be informed of the name of any representative at least 3 working days before the meeting.
- (iv) Seven clear working days prior to the meeting (i.e. excluding weekends and public holidays), the complainant should provide the council with copies of any documentation or other evidence to that they may wish to refer at the meeting.
- (v) The council will similarly provide copies of any documentation or other evidence to which it wishes to refer to at the meeting.

## 6.3 At the Complaints Panel meeting

- (i) The Complaints Panel meeting shall be heard in private, but confidential minutes will be taken for the council's own records only.
- (ii) The chairman will introduce everyone and explain the procedure.
- (iii) The complainant (or representative) will outline the grounds for complaint.
- (iv) The panel members will then ask any questions of the complainant.
- (v) If relevant, the Town Clerk or other officer will explain the council's position.
- (vi) Panel members will then ask any question of the Town Clerk or other officer.
- (vii) The Town Clerk or other officer and complainant (in that order) will then be offered the opportunity to make closing comments.
- (viii) The complainant will be asked to leave the room while the panel members deliberate on the complaint. The complaint may be asked back if any clarification is required.

- (ix) The panel will endeavour to arrive at a decision on the day of the panel meeting, but if they are unable to do so the complainant will be advised when the decision is likely to be made and how and when it will be communicated to them.
- (i) The decision will be confirmed in writing to the complainant within seven working days, together with details of any action to be taken.
- (ii) The decision and details of any action to be taken will also be notified to the town council at its next meeting.

Any decision taken by the Complaints Panel regarding a complaint will be considered as final, with no further right of appeal.

### 7. Argumentative or abusive complaints and correspondence

Argumentative, abusive or derogative correspondence/complaints are not acceptable and, on that basis, will not be considered. Complaints and correspondence which repeatedly and persistently target individual(s) will be treated as vexatious and dealt with accordingly.

### 8. Vexatious Complaints

If a complainant unreasonably persists in pursuing a complaint where the town council has already taken fair and proportionate action or where some other process and recognised procedure has been taken or where an individual is targeted - then the Town Clerk may consider that the complaint is vexatious, oppressive or an abuse of procedure. In such circumstances the Town Clerk reserves the right to manage correspondence with the complainant and this may include only replying to correspondence if it is thought appropriate to do so. Any complaint in relation to the conduct of the Town Clerk in such circumstances will automatically be considered vexatious. Unreasonable conduct from a complainant may also include multiple emails and emails copied into other parties not directly relevant to the town council and may result in the further emails being blocked.

### 9. Anonymous Complaints

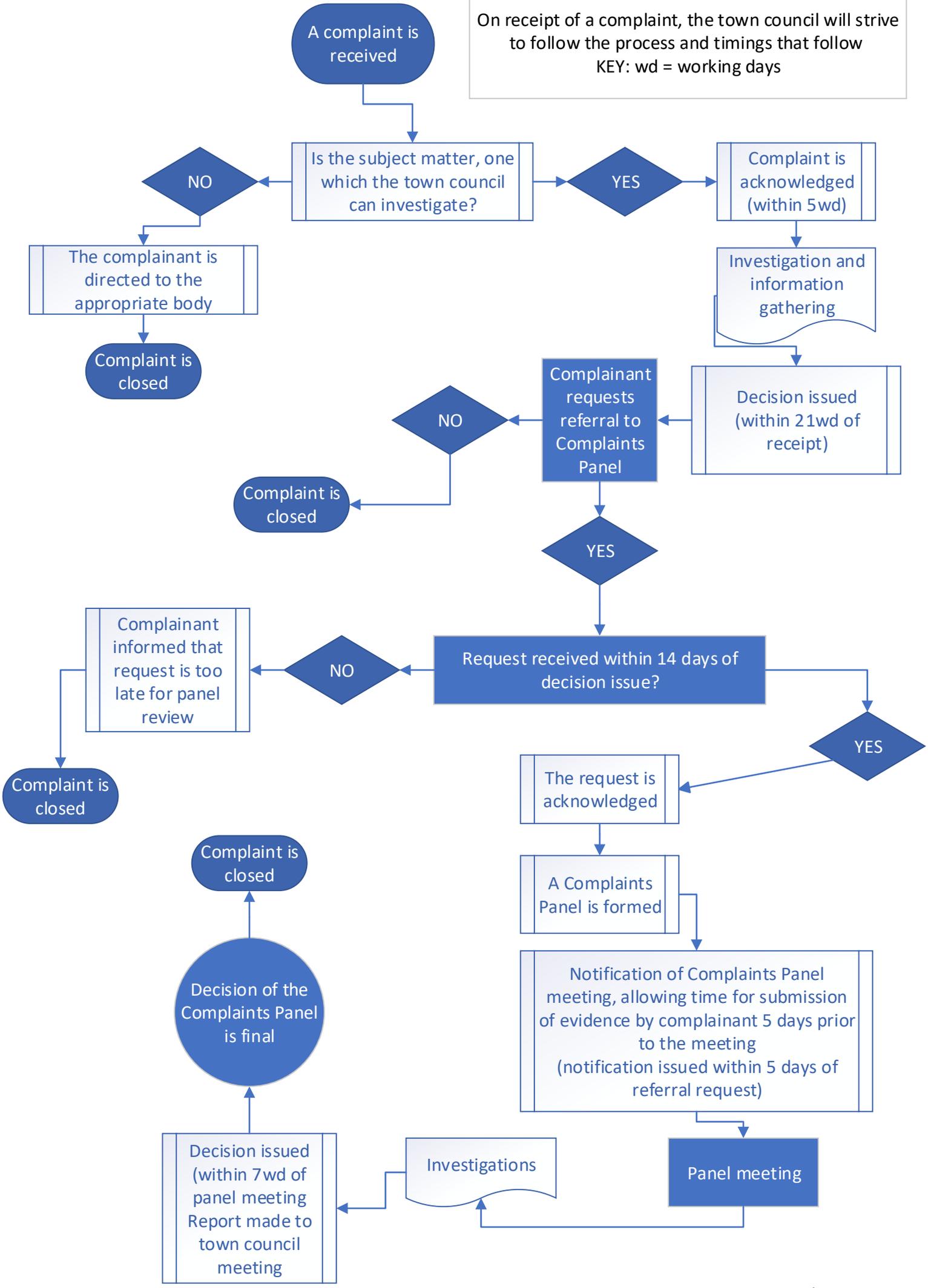
Anonymous complaints will not be considered.

### 10. Data protection and confidentiality

The town council must ensure compliance with the Data Protection Act 1998 and not disclose information about the identity, contact details or any other information about the complainant – unless consent is given, or where disclosure is otherwise lawful under the 1998 Act.

The complaint will be handled as a confidential matter, unless the complainant confirms they wish to waive their right to confidentiality.

On receipt of a complaint, the town council will strive to follow the process and timings that follow  
 KEY: wd = working days



## Complaints Form

If you have read the guidelines in our Complaints Procedure and are ready to submit your complaint, please fill in the form below.

**Your Name**

**Your Address**

**Your e-mail address**

**Your telephone**

**What is the nature of your complaint?** *Provide confirmation of relevant events, dates, names of parties involved.*

**What action do you feel should be taken?**

**Do you wish to waive your right to confidentiality?** *(Requirement of the Data Protection Act 1998)*

**Date**