



COMPLAINTS PROCEDURES

Introduction

Edenbridge 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. If you are dissatisfied with the standard of service you have received from the Town Council, or are unhappy about an action or lack of action by this Council, this Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.

1. Scope

- 1.1 This Complaints Procedure applies to complaints about the Town Council administration and procedures, and may include complaints about how Council employees have dealt with your concerns.
- 1.2 Everyday problems, queries and comments the Town Council receives as part of its day to day running, should not all be regarded as complaints. These are routine, expected and are generally resolved quickly to the complainant's satisfaction. If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

2. This Complaints Procedure does not apply to:

- 2.1 Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- 2.2 Complaints against Councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer of Sevenoaks District Council.

3. Engaging with the Council

- 3.1 The appropriate time for influencing Council decision-making is by raising your concerns before the Town Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
- 3.2 In all cases, the Town Council will endeavour to deal with the matter in a proportionate and timely manner, usually within 12 weeks.

4. Equal Opportunities

- 4.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 4.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

5. Stages of the procedure

- 5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.
- 5.2 You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. Edenbridge Town Council, Doggetts Barn, 72a High Street, Edenbridge, TN8 5AR, 01732 865368, townclerk@edenbridgetowncouncil.gov.uk
- 5.3 Wherever possible, the Town Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally aim to acknowledge your complaint within 20 working days.
- 5.4 If you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Chairman of the Council who will report it to the Council. It may

choose to deal with the matter or to establish a Complaints Committee to deal with it (as appropriate).

- 5.5 The Town Clerk (or the Chairman) will investigate each complaint, obtaining further information as necessary from you and/or staff or members of the Council. Complaints may be raised with the Chairman and Vice-Chairman and/or the Complaints Committee as appropriate.

6. Informal Complaint

- 6.1 During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.
- 6.2 Complaints should always be directed through the Council office, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints.
- 6.3 If a complainant is not satisfied by an informal response, or the complaint is considered to be too serious for such an approach, then the formal complaints procedure should be followed.

7. Formal Complaint

- 7.1 A customer may wish to make a formal complaint directly or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the Town Clerk who is responsible for managing the complaints process and will investigate the matter. However, if the formal complaint is being raised against the Clerk, then the process should still be followed, but the Chairman of the Town Council would take the place of the Clerk in managing the process.
- 7.2 The Complaint should cover as much detail as possible and enclose relevant supporting documentation.
- 7.3 The Town Clerk or Chairman will acknowledge receipt of the complaint and an initial investigation will be carried out into the complaint. The Clerk or Chairman will endeavour to report back to the complainant within 14 working days with a suggested resolution or a progress report.
- 7.4 The Complaint will be reported to the full Council.
- 7.5 If the complainant remains unsatisfied with the response, they should be informed of

their right to take the matter further.

8. Review of Investigation and Complaint (Second Stage)

- 8.1 If the complainant is not satisfied with the Town Clerk's response, they should be advised of their right to have the complaint referred to the Complaints Committee who will review the complaint.
- 8.2 The Town Clerk or Chairman will acknowledge receipt of the request for a review. The Complaints Committee will meet and consider the complaint.
- 8.3 The Complaints Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary including legal advice. The advice will be considered and the complaint dealt with by the Complaints Committee.
- 8.4 If further clarification is required from the complainant then it is likely they will be invited to the Complaints Committee meeting. The procedure is attached in Appendix 1.
- 8.5 It may be clear from the documents already provided that no further clarification from the complainant is required. If that is the case they will not be invited to the Complaints Committee meeting. The procedure is attached in Appendix 1.

If invited to the meeting

- 8.6 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on.
- 8.7 The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the meeting.
- 8.8 The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the full Council meeting in public.
- 8.9 The Chairman should introduce everyone and explain the procedure. The Complaints Committee shall resolve to suspend Standing Orders to allow the complainant (or representative) to speak.
- 8.10 The complainant (or representative) will be given the opportunity to address the Committee after which questions may be asked by (i) the Clerk or other nominated officer and then (ii) members.
- 8.11 The Town Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) members.
- 8.12 The Complainant will be thanked for attending and be invited to leave the meeting.
- 8.13 The decision will be communicated to the Complainant within 7 days of the meeting.

If not invited to the meeting

- 8.14 Ten clear working days prior to the meeting, the Council will provide the complainant with copies of any documentation upon which they wish to rely.
- 8.15 The complainant will be provided the opportunity to comment, in writing, on any documentation provided.
- 8.16 Five clear working days prior to the meeting, the complainant will provide the Council with copies of any documentation or other evidence upon which they wish to rely.
- 8.17 The decision of the Complaints Committee will be communicated to the complainant within 7 working days of the meeting.

9. Conclusion from the Complaints Committee review of Investigation

- 9.1 The decision should be confirmed in writing within seven working days, together with details of any action to be taken.

10. Unreasonable and Vexatious Complaints

- 10.1 There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

11. Anonymous Complaints

- 11.1 Anonymous complaints should be referred to the Town Clerk, and may be acted on at discretion, according to the type and seriousness of the allegation.

12. Resolutions and Remedies

- 12.1 The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the

question of an appropriate remedy (the Town Clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

Appendix 1 attached

Appendix 1

