

**COMPLAINTS POLICY 2022**

This Complaints Procedure applies to complaints about **council administration and procedures** and how the council has dealt with your concerns.

* The Complaints system will be easily accessible
* It will be simple to understand and use, and its operation will be reviewed annually
* Complaints received will be acknowledged and logged
* All complaints will receive a full and fair investigation
* A complaint will be acknowledged within 2 weeks and a response will normally be sent within 28 working days of receipt, subsequent to outcomes of the investigation
* Subject to the need for a thorough investigation, the procedures will respect people’s rights to confidentiality
* The Council response will address all the points at issue and will attempt to provide effective and appropriate redress as necessary

**Informal Complaint**

It is hoped that most complaints can be resolved quickly and amicably through this route.

* Complaints should always be directed through the Clerk (or Chairman if the complaint relates

to the Clerk). A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints and they will pass it to the Clerk.

* It is expected that most complaints can be resolved through this informal route. However, the

Council appreciates that on occasions if an informal approach has not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

**Formal Complaint**

1. A formal complaint must be in writing and addressed to the Clerk.
2. The Council will not consider, under any circumstances, complaints that are submitted anonymously.
3. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chair of the Council. The complaint will be reported to the Council.

4. The Clerk or the Council will investigate each complaint, obtaining further information as necessary from you and/or members of the Council. If you would like a meeting with the person investigating the complaint you should ask for one and this will be arranged.

5. An investigation report and recommendations will be written by the clerk/ Councillors considering the complaint.

6. **The Investigation and Report should contain:**

* Full details of the outcome of the investigation
* A recommendation whether they believe the complaint is: Upheld/partially upheld/not upheld
* Any actions proposed to deal with issues raised and necessary to avoid this happening in the future. The report and recommendations shall be sent to all Councillors, with a copy to the complainant.

It will be discussed and a final decision made at a full council meeting at which the public, including the complainant may be present and make representations as is usual. If it is in the public interest for this part of the meeting to be held in private the Chair will provide brief reasons.

The full Council’s decision is final.

**What this Policy does not cover**

If your complaint is about any of the following, there are separate procedures in place:

This Complaints Procedure does not apply to:

* 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 and employment contract.
* 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.
* Allegations of financial irregularity. Local electors may object to the Council’s Annual Accounts under Section 16, Audit Commission Act 1998. On other matters, the Council may need to consult its internal auditor or the Audit Commission.

N.B. Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Council also has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and members.

See also;

Standing Orders

Finance Regulations

Planning Committee Terms of Reference

GDPR Policy

Code of Conduct