



## **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

### **1. Introduction**

- 1.1 The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Code to ensure that complainants are properly and fully considered.
- 1.2 The Town Council does not consider formal complaints about councillors. These are subject to the jurisdiction of the Monitoring Officer at Sevenoaks District Council.
- 1.3 All complaints should be addressed to the Town Clerk and will be dealt with within 5 working days.
- 1.4 Only complaints regarding the Town Clerk should be addressed to the Town Mayor.

### **2. Informal Complaints**

- 2.1 The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged.
- 2.2 An informal complaint is made to the Town Clerk who will liaise with the complainant and relevant members/ officers to seek a resolution.
- 2.3 Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint.
- 2.4 Should, in the opinion of the Town Clerk (or Town Mayor), the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.

### **3. Formal Complaints**

- 3.1 A formal complaint must be submitted in writing to the Town Clerk, (or Town Mayor), as appropriate. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.
- 3.2 The Town Clerk (or Town Mayor) will attempt to acknowledge receipt of the complaint within 5 working days.
- 3.3 On receipt of a complaint the Town Clerk, in consultation with the Leader of the Town Council, will ascertain the category of the complaint and will

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take the relevant action with reference to the complaint categories detailed in Appendix 1.

- 3.4 The Town Clerk or Mayor will carry out an initial investigation into the complaint, and will, within 10 days, provide the complainant with an update of their findings and/ or a suggested resolution. If the complainant is satisfied with the resolution then the complaint will be considered closed.
- 3.5 If the Town Clerk, (or Town Mayor) is unable to resolve the complaint then the matter will be considered by the panel established for the purposes of hearing complaints.
- 3.6 The panel will consist of three of the following: the Town Mayor/ Deputy Town Mayor, the Chair or Vice Chair of a Town Council Committee.
- 3.7 The complainant shall be invited to attend the meeting of the panel and bring with them a representative.
- 3.8 Seven clear working days prior to the meeting the complainant shall provide the council with copies of any documentation or evidence that 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.

### **4. At the Meeting**

- 4.1 The Town Mayor, or in his/her absence the Chair of the panel, to introduce everyone.
- 4.2 The Town Mayor, or in his/her absence the Chair of the panel, to explain procedure.
- 4.3 The complainant (or representative) to outline the grounds for complaint.
- 4.4 Members to ask any question of the complainant.
- 4.5 The Chief Executive/Town Clerk or relevant committee Chair to represent and explain the council's position.
- 4.6 Members to ask any question of the council's representative.
- 4.7 Council representative and complainant or his/her representative to be offered the opportunity of summing up. No further evidence may be introduced at this stage.
- 4.8 Chief Executive/Town Clerk or committee Chair and complainant and his/her representative to be asked to leave the room while the panel decide whether the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).

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- 4.9 Chief Executive/Town Clerk or committee Chair and complainant and his/her representative return to hear decision or to be advised when decision will be made. The decision of the panel will be by simple majority and will be final.

### **5. Vexations and Repeated Complaints**

*If it appears to the Complaints Committee of the Council that a complaint is:*

- a. Trivial*
- b. Vexations*
- c. Repetitive*
- d. Frivolous*

*it shall so report to the Finance and Delivery Committee with a recommendation that no further communication related to it be entered into by any members or officers.*

### **6. After the Meeting**

- 6.1 Decision confirmed in writing to the complainant within ten working days together with details of any action to be taken.
- 6.2 Any decision on a complaint shall be announced at a Council meeting in public.

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### Appendix 1

Financial Irregularity	The Town Clerk/ Responsible Finance Officer shall endeavour to provide an explanation. The Town Clerk/ Responsible Finance Officer may need to consult with the auditor/ Audit Commission. If the complainant is not satisfied the Town Clerk should advise the complainant of the local Electors statutory right to object to the councils audit of accounts pursuant to s16 of the Audit Commission Act 1998.
Criminal Activity	The Town Clerk should refer the complainant to the Police.
Member Conduct	If the complaint relates to failure to comply with the Code of Conduct the complainant should be advised to submit the complaint to the Monitoring Officer at Sevenoaks District Council.
Employee Conduct	As in internal disciplinary matter this should be dealt with under the council's disciplinary procedures.
Other	Should be dealt with under this Complaints Procedure.