



## Complaints Procedure

### **BROADSTAIRS & ST. PETER'S TOWN COUNCIL Adopted 12<sup>th</sup> November 2018**

#### **1. Complaints against the Council**

A complaint about something the Council has done or not done will be handled as set out in the Code of Practice below, unless it is a Staff Matter or a Councillor matter, or it should be investigated by another body.

Complaints that may involve criminal conduct should **always** be referred to the police.

Complaints that may involve a breach of any other laws (Data Protection, etc.) should be referred to the appropriate body (Data Commissioner, etc.).

If the complainant is not sure who to refer to, ask the Town Clerk or an independent adviser for advice.

#### **2. Complaints against Members of Council Staff**

Complaints regarding staff will be dealt with, in the first instance, by the Staff Management Sub Committee and treated as an employment matter in accordance with the Town Council's Disciplinary and Grievance Procedures and subject to the exclusion of the press and public: Public Bodies (Admissions to meetings) Act 1960 and Section 100 Local Government Act 1972.

The complainant is to be assured that the complaint will be investigated internally and any subsequent appropriate action will be taken. A member of staff may request an independent person to be present during the process.

If the complainant is not satisfied, the complainant should write to the Mayor within 21 days to request a review by the full Council.

Sometimes a complaint names a member of staff but is really intended to be a complaint about the Council's policies, procedures and administration: in that case, the complaint should be dealt with as a complaint against the Council. If this might be an issue, it is good practice to ask the complainant to clarify the nature of the complaint and, if needed, explain why the Council complaints procedure is being used rather than the staff procedure.

#### **3. Complaints against Councillors**

All Town Councillors must keep to the Code of Conduct adopted in July 2012. Complaints regarding Councillors who are in breach of the adopted Code of Conduct must be passed to the Standards Committee at Thanet District Council.

The Monitoring Officer  
FAO Chair of Thanet District Council Standards Committee  
Thanet District Council  
PO Box 9, Cecil Street  
MARGATE  
Kent CT9 1XZ

## **Code of Practice**

### **Complaints against the Council**

General queries, questions and complaints regarding the administration and procedures of the Council can nearly always be considered and resolved in the first instance by the Town Clerk.

If that is not appropriate (e.g. the complaint is about something the Town Clerk has done or not done), or the complainant is still not satisfied with the Town Council's administration and procedures, then either the Staff Procedure or the following procedures are to be followed, as appropriate (see above under 'Staff' for guidance on which procedure to use).

#### **Before the Meeting**

- 1 The complainant to put the complaint in writing to the Town Clerk or Chairman of the Council.
- 2 Town Clerk or the Chairman of the Council to acknowledge receipt of the complaint and will advise the complainant that the matter will be considered in the Council Chamber, Pierremont Hall, Broadstairs by the appropriate Committee with delegated powers for that area of business (Planning or Finance and General Purposes Committee).
- 3 The complainant to be advised when the complaint is to be heard and will be invited to attend with such representative as they wish.
- 4 Any complaint heard by the Town Council, committee, or sub-committee will require all documentation and evidence to be presented 7 clear working days prior to the meeting.

#### **At the Meeting**

- 1 The Committee Chairman shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the Council meeting in public.
- 2 Chairman to introduce everyone.
- 3 Chairman to explain procedure.
- 4 Complainant (or representative) to outline grounds for complaint.
- 5 Members may ask any question of the complainant.
- 6 If relevant, Town Clerk or other proper officer to explain the Council's position.

- 7 Members may ask the Town Clerk or other proper officer any question.
- 8 Town Clerk or other proper officer and complainant to be offered opportunity of last word. (In that order).
- 9 Town Clerk or other proper office and complainant to be asked to leave the Chamber while members decide whether or not the grounds for the complaint should be upheld. (If a clarification is necessary, both parties to be invited back).
- 10 Town Clerk or other proper officer and complainant to return to hear decision, or be advised when decision will be made.

### **After the Meeting**

- 1 Decision to be confirmed in writing within seven working days, together with details of any action to be taken.
- 2 If not satisfied, Complainant may ask full Council to consider the complaint by writing to the Mayor within 21 days of the decision being given.

### **NOTE**

It may be necessary for the Council to seek independent advice on the subject matter of the complaint, so that the Town Clerk can clerk the complaint meeting: otherwise there could be (or appear to be) a conflict of interest.

Alternatively, another member of staff should clerk the meeting, if the Town Clerk has previously advised on the subject matter of the complaint.