

COMPLAINTS PROCEDURE

Before processing a complaint

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures and will be published on the council website.

2. The Local Government Organisation offers the following definition:

'A complaint is an expression of dissatisfaction... about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person of body acting on behalf of the council... When a complaint is made against a local council, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council'.

3. Other bodies have responsibility for certain types of complaint:

Type of conduct	Refer to
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s. 16 Audit Commission Act 1998).
Alleged criminal activity	The police.
Members' conduct alleged to breach the code of conduct adopted by the council.	The district or the unitary council (which includes a London borough council) is responsible for handling complaints that relate to a member's failure to comply with the council's code of conduct.

4. All formal complaints against a council must be communicated in writing (letter or email) to the Clerk to the Council whose contact details will be found on the council website www.eastdeanfriston-pc.gov.uk on the and in the Village Directory section of the parish magazine. If the complainant prefers not to put the complaint to the Clerk to the Council (e.g. because the matter relates to the Clerk) they should write to the Chair whose details will also be found on the website and in the parish magazine.

5. The complainant will be asked to confirm if they want the complaint to be treated confidentially. If the complainant waives confidentiality, the council must comply with its obligations under the General Data Protection Regulations to safeguard against the unlawful disclosure of personal data. A complaint is therefore likely to be treated as confidential.

Receipt of the complaint

6. The receipt of a complaint will be acknowledged in writing within 14 days, and information will be provided as to:

- who will be dealing with the complaint
- the timeframe for investigation
- whether the complaint will be treated as confidential
- whether there is an opportunity for the complainant to make oral representations (and bring a friend when doing so) and when this will occur; and
- the timeframe for determining the complaint.

Investigating the complaint

7. The council will investigate the facts of the complaint and collate relevant evidence

8. The complainant will be invited to a meeting at which the complaint will be considered. Not less than 10 days before the meeting, the complainant shall provide the clerk or Chair (as appropriate) with any new information or other evidence relevant to the complaint and the clerk or Chair shall provide the complainant with new information or evidence relevant to the complaint.

Meetings with the complainant

9. The clerk or Chair of the meeting will explain how the meeting should proceed.

10. The complainant should outline the grounds for complaint and, thereafter, questions may be asked by officers or members as appropriate.

11. An officer or member (as appropriate) will have an opportunity to explain the council's position and questions may be asked by the complainant.

12. An officer or member (as appropriate) and then the complainant should be offered the opportunity to summarise their respective positions.

13. The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

After the complaint has been decided

14. As soon as possible after the decision has been made (and in any event not later than 7 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.

15. The complaints procedure does not include an appeal stage.

16. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.

17. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

18. Complaints against Councillors

18.1

The above policy / procedure does not cover complaints about the actions or activities of an individual Councillor which are felt to be in breach of the adopted Code of Conduct. The Council is unable to investigate complaints against any of its members and under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member, or of a Committee or Sub-Committee of the Parish Council, has failed to comply with that Council's Code of Conduct can be investigated and decisions made on such allegations. Should you wish to make a complaint about the behaviour of an individual Councillor you must write to:

The Monitoring Officer
Wealden District Council
Vicarage Lane
Hailsham
BN27 2AX .

Or: Monitoring.Officer@Wealden.gov.uk

18.2

The Monitoring Officer is only able to deal with complaints about the behaviour of a Councillor. S/he will not deal with complaints about matters that are not covered by the Councillors' Code of Conduct. Complaints must be about a Councillor's failure to follow the Code of Conduct.

18.3

The Monitoring Officer will not look into complaints that are about:

- People employed by the Council.
- Incidents that happened before a councillor was elected or chosen to serve on the council.
- The way the Parish conducts or records its meetings.
- The way the Parish has or has not done something this should be dealt with by the Parish and resolved locally wherever possible.
- Decisions of the Parish. or
- The services provided by the parish council.

Enquiries

Enquiries received by a councillor or the clerk on behalf of the council shall be acknowledged quickly and information provided as soon as practical, with the assistance of the clerk when required.

Consultation requests

Consultation requests received by the council from external bodies (County Council; District Council; South Downs National Park Authority; etc.) shall be put on the agenda of the next available council meeting for consideration, and the text of the response shall be appended to the minutes of that meeting.

Correspondence

Correspondence received by the Chair or the clerk on behalf of the council shall be acknowledged quickly and reported to the council at the next available meeting, following which a response shall be sent via the Chair or Clerk as appropriate.

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