

Complaints Procedure

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1. Purpose and scope

1.1 This procedure explains how the Council will consider complaints about its administration, decision-making, services and staff conduct in a non-employment context.

1.2 What this procedure does not cover and where to go instead:

- Alleged councillor misconduct (breach of Code of Conduct): complain to the Monitoring Officer at Rother District Council (RDC). See RDC website for process and form.
- Requests for information / data-protection concerns (FOI/EIR/UK GDPR): follow the Council's FOI/Data Protection policies first; unresolved cases may be taken to the ICO.
- Criminal matters: the Police.
- Employment grievances/discipline: handled under staff HR procedures (not this policy).
- Complaints about principal authority services (RDC/ESCC): use their complaints processes.
- Ombudsman: the LGSCO rarely has jurisdiction over parish councils unless the parish is acting on behalf of another authority.

2. Principles

2.1 Fair, timely, and accessible: reasonable adjustments offered, and complainants may be accompanied/represented.

2.2 Independence: decision-makers must be unbiased and avoid predetermination. Members involved at one stage will not take part in the appeal.

2.3 Proportionality and learning: focus on resolving issues and improving practice.

2.4 Confidentiality: personal data handled per the Council's Privacy and Data Protection policies.

3. Who may complain and how to start

3.1 Anyone directly affected by Council actions/decisions may complain.

3.2 Send complaints (or ask for support to do so) to: clerk@brightling-pc.gov.uk or in writing to the Clerk, Brightling Parish Council (see website for contact details).

3.3 Please set out what happened, when, who was involved, and what outcome you seek.

4. Process overview and timescales

Stage 1 – Informal resolution (Clerk)

- Acknowledgement within 5 working days.
- Response within 20 working days where possible (holding reply if more time is needed).
- Many issues can be resolved here.

Stage 2 – Formal complaint (Complaints Committee)

- If unresolved or serious, the Clerk will escalate (or the Chair will do so if the complaint is about the Clerk—see §5).
- Papers shared at least 7 clear working days before the meeting/hearing.
- Hearing held in private session where the Council reasonably considers confidentiality is required; the Committee may resolve to exclude press/public under s1(2) Public Bodies (Admissions to Meetings) Act 1960 (minute the reason).
- Written decision within 7 working days, setting out findings, reasons, any remedy and learning actions.

Stage 3 – Appeal (Full Council)

- The complainant may appeal in writing within 14 calendar days on one or more of: (a) material procedural error; (b) new significant evidence not reasonably available earlier; (c) sanction/remedy manifestly inappropriate.
- Appeal considered by Full Council within 21 working days where practicable; members previously involved take no part.
- Decision confirmed in writing within 7 working days. Decision is final within the Council.

5. Roles and participation

5.1 Complaints about the Clerk: the Chair (or Vice-Chair if conflict) will lead Stage 1 and present the case file to the Complaints Committee/appeal body; any staff HR issues run separately.

5.2 Complaints about the Chair: the Vice-Chair leads; the Chair will not participate.

5.3 Complaints Committee: three councillors appointed under Standing Orders with delegated authority (quorum three). Appeal is reserved to Full Council.

5.4 Officer delegation: the Proper Officer acts within the Scheme of Delegation and Standing Orders throughout the process.

6. Hearing protocol (Stage 2 and Stage 3)

6.1 Papers: agenda, complaint, Council response, supporting evidence, any legal/procedural notes.

6.2 Order (typical): introductions; scope confirmation; complainant statement; Council response; questions; short adjournment (if needed); decision in camera.

6.3 Representation: complainant may be accompanied; legal representation is not expected but not prohibited.

6.4 Excluding press/public: where confidential information is discussed, resolve to exclude under s1(2) Public Bodies (Admissions to Meetings) Act 1960 and state the reason in the minutes.ⁱ

7. Remedies and learning

7.1 Possible outcomes include: explanation, apology, corrective action, service/process change, training, reimbursement where lawful, or no fault found.

7.2 The Committee/Full Council will assign any learning actions and timescales, and the Clerk will report completion.

8. Habitual or vexatious behaviour

8.1 The Council may, in proportionate cases, apply measures such as requiring a single point of contact, setting contact limits, or declining substantially identical complaints, with reasons recorded and a review date set.

9. Records, data and retention

9.1 Lawful basis: public task / exercise of official authority. See the Council's Privacy Policy for full

details.

9.2 Access and sharing: information is shared only as necessary with those involved in handling the complaint, legal advisers, auditors or insurers.

9.3 Retention: complaint correspondence and case records will normally be kept for 1 year after closure in line with the Document Retention Scheme, unless a legal hold applies.

9.4 FOI/EIR requests about complaints are handled under the FOI Policy; personal data rights requests under the Data Protection Policy.

10. Links to other Council documents

- Standing Orders and Scheme of Delegation.
- Financial Regulations.
- FOI Policy; Data Protection Policy; Privacy Policy; Document Retention Scheme.
- Code of Conduct for Members (complaints via RDC Monitoring Officer).

11. External routes (for awareness)

- Monitoring Officer (RDC) for councillor conduct; the Ombudsman can only consider the process taken by RDC to handle a standards complaint, not the parish council's decision.
- Local Government & Social Care Ombudsman (LGSCO) rarely investigates parish councils except where acting for a principal authority.
- Information Commissioner's Office (ICO) for information-rights complaints after the Council's own process.

ⁱ Standard resolution to exclude press/public (minute wording)

“That, in accordance with section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, the press and public be excluded from this item of business on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.”