



## COMPLAINTS POLICY AND PROCEDURE

### The Importance of Complaints

Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

The Town Council seeks to deal with complaints in a positive manner to inform future actions of the Council.

### Definition of a Complaint

A complaint is *'any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council, its staff or anyone acting on behalf of the Council which affects an individual or group'*.

### **What the complaints procedure will deal with:-**

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- unprofessional practice or conduct.

### **What the complaints procedure will not deal with:-**

- complaints for which there is a legal remedy or where legal proceedings already exist.
- allegations of financial irregularity - see rights under the Local Audit and Accountability Act 2014
- internal complaints about employment matters - the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- complaints about Councillors - alleged breaches of the code of conduct are dealt with by the district council
- complaints relating to the services of another Council (these complaints will be referred on to the relevant body)

### Equal Opportunities

The Town Council is committed to equal opportunities. Complaints and feedback will be used to highlight any discriminatory practices, and to promote equality of opportunity. Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

## **Complaints Officer**

The Complaints Officer for the Town Council is the Town Clerk. The Clerk's main duties are:

- the day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- to oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- to maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- to identify improvement points arising from any complaints.
- to identify staff training issues.

Where a complaint relates to the Town Clerk, the complaint will be dealt with by the Town Mayor in line with the stages of procedure as detailed below.

## **Stages of Procedure**

The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

### **Everyday problems, queries and comments**

The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly and satisfactorily.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

### **Informal Complaint**

During the course of daily business, minor complaints may be made to officers about the services the Council provides. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every complaint to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

### **Formal Complaint (First Stage)**

A person may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This complaint should be made in writing and will be recorded as a complaint and passed to the Town Clerk to investigate, or if about the Town Clerk, to the Town Mayor. The complainant will be notified of the outcome of their complaint in writing within 20 working days of the formal complaint being made. Where this time scale cannot be met, due to the nature of the complaint or resources, the complainant will be informed. Complaints will be treated as confidential unless the complainant confirms that they waive their right to confidentiality.

If the complainant remains unsatisfied with the response following an investigation, they should be informed of their right to take the matter further.

### **Review of Investigation and Complaint (Second Stage)**

If the complainant is not satisfied with the Town Clerk's response, (or Town Mayor's response if relating to the Town Clerk), they should be advised of their right to request, within 28 days of the Town Clerk's or Town Mayor's response, that the complaint be referred to a Complaints Panel consisting of 3 councillors which will review the complaint within 4 weeks of the request being made.

The complainant will be notified of the outcome in writing within 7 working days of the meeting taking place. Where this time scale cannot be met the complainant will be informed.

### **Appeals Panel**

If the issue still remains unresolved, the complainant should be notified of their right to request, within 28 days of notification of the Complaints Panel outcome, that the matter be referred to a Complaints Appeals Panel consisting of 3 councillors not previously involved in the complaint.

The complainant will have the right to attend the meeting and make representation for a time that is at the discretion of the Chair, usually 5 minutes. There will be an opportunity for the complainant and councillors to ask questions. The complainant will be asked to leave during deliberation. The complainant will be advised when a decision is likely to be made and when it is likely to be communicated to them. The decision of the Appeals Panel will be final.

The outcome of all formal complaints dealt with by the Appeals Panel will be advised to the Council at its next meeting in confidential session.

### **Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Town Clerk may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

### **Anonymous Complaints**

The Council will not respond to this type of complaint.

### **Resolutions and Remedies**

The aim in dealing with all complaints is to provide a remedy, a reasonable explanation or, if appropriate, an apology.

A record will be kept of all formal complaints and their outcomes, subject to Data Protection and confidentiality requirements.

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**(Minute No. TC2582)**

**Next Review - March 2024**