



COMPLAINTS POLICY July 2018

Introduction

We try to get our service delivery right every time, but there are occasions when users of our services may be dissatisfied with our performance, for any number of reasons. This policy sets out how to raise a complaint with the Council and how we will deal with it.

Informal Complaint

It is hoped that most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by telephone, email or a visit to the Council offices. The complaint will be handled by the most appropriate member of staff, depending on the nature of the complaint. The Town Clerk will be kept informed of the handling of the complaint and its resolution. Complaints should always be directed through the Council offices, not through individual Councillors. A complainant may advise a Councillor of the details of a complaint, but individual Councillors are not in a position to resolve complaints. It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that on occasions if an informal approach had not resolved the complaint, or that the initial complaint is so serious, then the formal complaints process should be followed.

Formal Complaint

The Town Clerk is responsible for managing the formal complaints process. The Town Clerk is the senior officer of the Council, effectively its General Manager. If a formal complaint is being raised against the Town Clerk, then the process as detailed should be followed, but the Chairman of the Council should be informed instead of the Town Clerk.

A formal complaint can only be submitted in writing (to include e-mail) to the Council offices, it should be addressed to the Town Clerk, marked "Confidential – Formal Complaint", and this will ensure the matter is handled by the Town Clerk's nominated deputy, should the Town Clerk be away.

The Council encourages contact by email and telephone, but as a formal complaint is a serious matter will only accept these in writing and not by phone. The complaint should cover as much detail as possible and enclose any relevant supporting documentation.

The Town Clerk will acknowledge receipt of the complaint within three working days. The Town Clerk will carry out an initial investigation into the complaint and will within ten working days (it should be noted that the Town Council operate a 3 day working week) provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the resolution the complaint is closed.

The Town Clerk will report to the full Council, through the Town Clerk's report, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainant. If the Town Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution then the matter will be referred to a meeting of the Council's Complaints Review Panel.

The Complaints Review Panel

The Review Panel is a properly formed committee of the Town Council. The panel will be constituted of six members plus the Chair and Vice Chair of the Council. The Review Panel has delegated authority from the Town Council to review and decide on complaints. Three members of the Panel plus the Chair and Vice Chair will review a complaint; this will ensure the panel is quorate. The panel is subject to all of the normal meeting notification, agenda and minute requirements, as laid down in the Town Council's Standing Orders. Arrangements for minute taking will be reviewed when a Review Panel meeting is called. It is expected that the Review Panel will be able to meet within seven working days of being notified by the Town Clerk.

Prior to the Meeting

Seven clear working days before the Review Panel meeting the complainant will provide the Town Council with copies of all documentation, or other evidence (such as photographs) that they intend to introduce to the Review Panel meeting. The Town Council will provide the same to the complainant.

The Town Clerk, in consultation with the Chair of the Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. As far as possible the Town Council carries out its business in public, matters that involve individual identified members of staff, or because of their confidential nature may require the exclusion of the press and public.

At the Meeting

1. The Chairman of the Review Panel shall introduce everyone and explain the procedure to be used in order to consider the complaint made. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.

(a) The complainant (or representative) shall be invited to outline the grounds for complaint and panel members given the opportunity to ask any question of the complainant.

(b) If relevant, the Town Clerk (or their deputy) will explain the Council's position and panel members shall ask any questions of the Town Clerk.

(c) The complainant is to be offered the opportunity of a last word as a means of summing up their position.

(d) The Town Clerk is to be offered the opportunity of a last word as a means of summing up their position.

2. The Town Clerk and complainant shall be asked to leave the room while panel members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties should be invited back. In any case both parties return to hear the decision, or to be advised when the decision will be made.

3. The announcement of any decision will be made in public, at the next Council meeting.

Unreasonable and Vexatious Complaints

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

These matters will 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 (after consultation with the Chair of the Council) in such circumstances, decide that no further action can usefully be taken in response to the complainant and will inform the complainant to this effect, making it clear that only new and substantive issues will merit a response.

Remedies

The main criteria that should be used to determine whether any sort of complaint remedy is appropriate are whether any errors were made by the Council and whether these caused any injustice or inconvenience to the customer.

If the Council has been at fault the situation might be remedied through an apology, an action to repair or correct something, an agreement with the customer to do something differently or a rebate or compensation or through a combination of these as appropriate.

If the Council is making a change to services or procedures as a direct result of a complaint it is also important to inform the customer about this.

The Ombudsman considers that any remedy should be appropriate and proportionate and should, as far as possible, put the complainant in the position he or she would have been in but for the problem or error.

Section 92 of the Local Government Act 2000 gives Councils a general power to pay compensation or take other remedial action. However, money is not the only or necessarily the best remedy.

Timings

The Town Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint, or the absence of a member of staff who is involved in the complaint, may mean that the timings have to vary. Should this occur then the complainant will be informed of the revised timescales.

Impact on Council Staff

A formal complaint is a serious matter. A complaint against a member of the Town Council's staff could result in disciplinary action; or in cases of gross misconduct dismissal from the Council's employment. The Town Council will not under any circumstances enter into any correspondence, or discussion, with any complainant about any action taken, formally or informally against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

Complaints against Councillors

This policy does not cover complaints against an individual Councillor (s).

Complaints against Councillors should be addressed to:

Chair of the Assessment Sub-Committee
The Standards Committee
Northumberland County Council
County Hall
Morpeth
NE61 2EF

It is important to note that not every complaint against a Councillor that falls within the jurisdiction or area of responsibility of the Standards Committee will be referred for investigation or other action. The Standards (Assessment) Sub-Committee must decide whether this is appropriate. It will make this decision using referral criteria which are available upon request by contacting the Council's Monitoring Officer. If the Standards (Assessment) Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

Anonymity

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

Finale

The decision of the Council's Complaints Review Panel shall be final and binding.