

CULLOMPTON TOWN COUNCIL



COMMENTS AND COMPLAINTS POLICY

Revised and adopted: February 2015

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1. INTRODUCTION

COMMENTS: The council aims to provide a high quality service which meets the needs of our residents. We believe we achieve this most of the time: if we are getting it right then please let us know.

We seek comments so that we can continually improve services. We will acknowledge any comments made and pass them on to all staff and let you know the outcome. Any suggestions will be discussed and, if these are relevant and can be adopted we will do so.

COMPLAINTS: The Council believes that complaints can provide useful information and feedback on the quality of our services, procedures and practices. The effective handling of complaints will help us to improve the services provided on behalf of residents, visitors and those working within the town.

People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by Cullompton Town Council or any of its employees. More specifically, a complaint is where:

- The council has not done something it has a duty to do or normally does.
- The council has done something it has no right to do or does not normally.
- The conduct or behaviour of an employee is unsatisfactory.
- The established levels of service delivery are not reached.
- An adopted and known procedure is not followed.
- Maladministration is alleged.

We aim to swiftly investigate all complaints in an impartial manner and to find a solution locally, whenever possible, to the satisfaction of both the complainant and the council.

This policy sets out how to raise a complaint and the process that must be followed once a complaint has been raised.

2. CATEGORIES OF COMPLAINT

2. The following are the categories of complaints:
 - 2.1 **Financial Irregularity:** The Town Clerk should endeavour to provide an explanation of the item but may need to consult the auditor. If the complainant is not satisfied then the Town Clerk will advise the complainant of the local elector's statutory right to object at council's audit of accounts pursuant to S16 Audit Commission Act 1998.
 - 2.2 **Criminal Activity:** The Town Clerk should refer the complainant to the police.
 - 2.3 **Member Conduct:** All Cullompton Town Councillors are required to sign up to the "Code of Conduct". If a member of the public, a council member or a member of staff feels that a Councillor has breached this Code, then they should report their concerns to the Monitoring Officer at Mid Devon District Council.

The Town Council has adopted a separate Member/Officer protocol. If a member of staff feels that a Councillor is behaving in a way that contravenes the Protocol, then that concern should be referred to the Town Mayor who will decide on the best course of action.
 - 2.4 **Employee Conduct:** This will be dealt with as an internal disciplinary matter under council's disciplinary procedure.
 - 2.5 **Other:** Should be dealt with by the following complaints procedure.
 - 2.6 **Complaints against the Town Clerk:** Complaints against the Town Clerk should, in the first instance, be brought to the attention of the Town Mayor. The Town Mayor will convene an extraordinary meeting of the Policy, Finance and Personnel Committee to hear the complaint and will engage the services of a suitable, independent, Clerk to take minutes at this meeting.

3. INFORMAL COMPLAINTS

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 must be kept informed by that member of staff of the handling of the complaint and its resolution and will be required to report the complaint, and the resulting action to the next scheduled meeting of the most relevant committee. For example if the complaint is about a cemetery matter then it will be reported to the General Purposes Committee.

It is expected that most complaints can be resolved through this informal route. However, the Council appreciates that, on occasion, when either an informal approach has not resolved the

complaint or the complaint, as initially presented, is so serious that the formal process as set out below should be followed.

4. FORMAL COMPLAINTS

The Town Clerk, as the Council's Proper Officer, is responsible for managing the formal complaints process. If a formal complaint is being raised against the Clerk then the process detailed below should be followed but by the Town Mayor instead of the Clerk.

Formal complaints must be submitted in writing to the Council offices. Letters, signed by the complainant should be addressed to the Clerk and marked "Confidential – Formal Complaint". This will ensure that the matter is handled by the Assistant Town Clerk should the Clerk be away. Whilst the Council encourages contact by telephone, a formal complaint is a serious matter and will only be officially regarded as such, if brought to the Council's attention by means of a signed letter or electronic mail addressed to town.clerk@cullomptontowncouncil.gov.uk.

The Clerk will carry out an initial investigation into the complaint and will, within ten working days, provide the complainant with an update on progress or a suggested resolution. If the complainant is satisfied with the resolution, the complaint is taken no further. The Clerk will report to the Policy & Resources Committee, through the relevant agenda item, summary details of the complaint and its resolution.

If the Clerk is unable to resolve the complaint, or the complainant is not satisfied with the proposed resolution, the matter will be referred to the Policy & Resources Committee which may in turn refer the matter to the Full Council or the relevant Council Committee.

The Town Council will make every effort to adhere to the timings outlined in this policy. However, when a complaint is complex or a cited member of staff is absent, these timings may have to vary. Should this occur, complainants will be informed of any revised timescale.

5. MONITORING

A standard agenda item for each Policy, Finance and Personnel Committee meeting will be "to receive information regarding any complaints, comments or compliments received since the last meeting of the Committee", so that the Committee has an overview of all complaints, comments and compliments received. If necessary this will be done in Part 2.

If a complaint or comment relates to the remit of a specific committee, then that committee will take the lead on reviewing the complaint or comment and agreeing the most appropriate action to take in consultation with relevant staff. The Policy & Resources Committee will review all complaints received on an annual basis to ensure ongoing improvements are made.

A "Complaints, Comments and Compliments Log" will be produced and kept by the Town Clerk and regularly updated and made available to the Policy & Resources Committee when it reviews complaints.

The Log will record:

- The date the complaint, comment or compliment was made.
- Details of the complaint, comment or compliment.
- How the complaint , comment or compliment was made i.e. in person, letter, email.
- What action was taken
- What further action may need to be taken.

All written complaints, whether via email or letter, should be stored securely in a designated Complaints folder that is kept in a locked filing cabinet. Any follow-up correspondence should be filed with the original complaint.

6. INVESTIGATION OF A COMPLAINT BY A COMMITTEE

In some circumstances it will be necessary for the Policy, Finance and Personnel Committee, or a more relevant Town Council Committee, to investigate a complaint further and, if required, invite the complainant to attend a meeting of the Committee. The section below outlines the process to be followed should this occur.

PROCEDURE

Before the Meeting:

- Complainants will be asked to put in writing to the Clerk the details of their complaint. They may direct it to the Mayor if unwilling to submit to the Clerk.
- Receipt of the complaint will be acknowledged by the Clerk and the complainant will be advised of the date when the relevant Committee will hear the complaint.
- Complainants will be invited to attend the meeting, accompanied by their representative (should that be their wish).
- Ten working days prior to the meeting complainants and Council shall exchange any relevant documentation on which they may wish to rely at the meeting. This timescale may be reduced as agreed by all parties.

At the Meeting:

- The Committee shall consider whether any circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the next scheduled meeting of the Full Council in open session.
- The Chair of the Committee will introduce everyone and explain the procedure.
- Complainants (or their representatives) will outline the grounds for complaint.
- Members can put questions to complainants or their representatives.
- If relevant, the Clerk or Assistant Clerk will set out the Council's position.
- Members can put questions to the Clerk or Assistant Clerk.
- The Clerk/Assistant Clerk and complainant (in that order) are offered a final opportunity to comment.

- The Clerk/Assistant Clerk and complainant will be asked to leave the room while the committee considers whether or not the grounds for complaint shall be upheld. (if a point of clarification is required, both parties will be invited back).
- The Clerk/Assistant Clerk and complainant will return to either hear the decision or be advised when a decision will be made.

After the Meeting:

- The decision, once made, will be confirmed in writing within seven working days, together with details of any action to be taken.

NOTE: A formal complaint is a serious matter. A complaint against a member of the Council's staff could result in disciplinary action, or in cases of gross misconduct, dismissal. The Council will not, UNDER ANY CIRCUMSTANCES, enter into any correspondence or discussion with complainants about any action taken, formally or informally, against any member of staff. This is expressly to protect the employment rights of all Council employees.

The Committee will, when following this procedure adhere at all times to the above paragraph.

7. DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINANTS

Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem. Habitual or unreasonable complaints can be a problem for council staff and members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of Officer and Member time.

If a complainant begins to make frequent contact with the Town Council and hinders the normal day to day running of the Town Council, the Town Clerk will implement a policy for dealing with unreasonable or persistent complainants, since such complainants can be time consuming and could lead to unnecessary additional cost to the council tax payer.

The Town Council's policy for dealing with unreasonable and persistent complainants will become operative if the complainant is deemed to be unreasonably persistent either by written or oral communication or excessive visits to the Council office.

PROCEDURE

1. The Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.
2. In the first instance the Town Clerk will consult with the Town Mayor, or in his/her absence the Deputy Town Mayor, prior to issuing a warning to the complainant. The Town Clerk will

contact the complainant in writing to explain why this behaviour is raising concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

3. If the disruptive behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the town council in future will be restricted. The Town Clerk will make this decision in consultation with the council and inform the complainant in writing of what procedures have been put in place and for what period.
4. Any restriction that is imposed on the complainant's contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time over which the restriction will be in place. In most cases restrictions will apply for between three and six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next full Council meeting.

COMPLAINTS
PROCEDURE

