



COMPLAINTS PROCEDURE

COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL

This Procedure is adopted for complaints against the Council as a statutory body. The Local Government Association offers the following definition of such a complaint: -

A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.

On Receipt of a Complaint

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chair of the Council.
3. The Clerk/Chair shall acknowledge receipt of the complaint. The first decision to be taken by the office is whether or not the complaint is vexatious and should be dealt with under the Vexatious and Abusive Complaints Policy.
4. The office to agree with the complainant as to how the matter will be considered by the Council, either by written representations or by oral hearing. The Clerk/Chair shall give timescales as to when the matter will be considered by Full Council or by a meeting established for the purposes of hearing the complaint. The Clerk/Chair shall agree with the complainant whether the complaint should be treated as confidential or whether it should be considered in the public part of the meeting.

Written Representations

5. The Clerk/Chair shall investigate the complaint and produce a written report together with recommendations. A draft of the report shall be copied to the complainant for their view. The report and the complainant's response shall be reported to Full Council, or the meeting delegated to consider the complaint.
6. The decision of the meeting shall be confirmed in writing within seven days of the meeting. The complainant shall have the opportunity to ask for the decision to be reviewed at an oral hearing of the complaint.

Oral Hearing

7. The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.
8. Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the meeting.
9. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Regardless of a decision to exclude the public, any decision on a complaint shall be announced at the Council meeting in public.
10. The Chair of the meeting should introduce everyone and explain the procedure.
11. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Clerk or other nominated officer and then (ii) Members.
12. The Clerk or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii) Members.
13. The Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
14. The Clerk or other nominated officer and the complainant should be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.
15. The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated with them.
16. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
17. The complainant will be advised of their right to complain to the Local Government Ombudsman should they be dissatisfied with the outcome of the complaint process.

To Note

Other Complaints

Not all complaints made to the Town Council are appropriate to be considered under this procedure.

- Complaints of Financial Irregularity – A Local Elector has a statutory right to object to the Council's audit of accounts (s.16 Audit Commission Act 1998). Complaints should be made to the Council's External Auditor. Details can be obtained from the Town Council Office – admin@southwell-tc.gov.uk or 01636 816103

- Complaints of Criminal Activity – Everyone has a duty to report allegations of such conduct to the police. This could be the council or the complainant.
- Complaints about a Town Councillor's conduct – A complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the Monitoring Officer and Newark & Sherwood District Council.
- Complaints about a Town Council Employee's conduct – There is no statutory scheme for complaints about Council employees. Any such complaints should be dealt with through the internal disciplinary process.

Confidentiality

The Council should take care to maintain confidentiality where circumstances demand (e.g., where matters concern financial or sensitive information or where third parties are concerned).

AT ALL TIMES, THE RULES OF NATURAL JUSTICE SHOULD APPLY. ALL PARTIES SHOULD BE TREATED FAIRLY AND THE PROCESS SHOULD BE REASONABLE, ACCESSIBLE AND TRANSPARENT.