COMPLAINTS POLICY AND PROCEDURE

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1. DEFINITION

Thornbury Town Council uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by National Association of Local Councils (NALC):

> '*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 a 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*'

In accordance with NALC/LGO guidelines, the Town Council will try to ensure that their complaints system is:

- well publicised and easy to use.
- helpful and receptive;
- not adversarial;
- fair and objective;
- based on clear procedures and defined responsibilities;
- quick, thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to any special needs and/or circumstances of the complainant;
- adequately resourced;
- fully supported by councillors and officers; and
- regularly analysed to spot patterns of complaints and lessons for service improvement.

2. CONFIDENTIALITY

The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint. The Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

3. SCOPE

This procedure does not apply to:

- Complaints about the substance of policy decisions made by the Council
- Complaints by members of the Council, who would otherwise have a conflict of interest and who have alternative channels of communication.

When a complaint is made against the Council, its member(s) or staff are likely to be mentioned or complained about. However, a complaint against the Council should be treated as a complaint against the body corporate of the Council, not as a complaint against individual employees or member(s).

The procedure set out in this in this policy is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the following way:

- Complaints against members of the Council – through South Gloucestershire Council's Monitoring Officer
- Complaints against members of staff – through internal HR procedures

4. COMPLAINTS OFFICER

The Complaints Officer for the Council is the Chief Executive Officer (CEO). Their 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.

The CEO may delegate the responsibilities of the Complaints Officer role (for example in times of absence) to the Deputy Clerk. Any reference to 'the CEO' throughout the rest of this policy may be suffixed with 'or Deputy Clerk' as may be appropriate.

5. COMPLAINTS PROCEDURE

5.1 INFORMAL COMPLAINTS

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every issue raised, or minor complaint made, 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.

The following stages are designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by Council officers or Councillors as part of the day-to-day running of the Council.

5.2 FORMAL COMPLAINT (FIRST STAGE)

A customer may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. If this is the case, the complainant should be asked to put the complaint in writing to the CEO and should include what remedy they seek from their complaint.

Once the complaint is received in writing, it will be assessed to ensure it fits the criteria of an appropriate complaint (in particular 'DEFINITION' and 'SCOPE' as set out above), recorded and passed to the CEO to investigate. At this point the complaint will be acknowledged (aim within 3 working days of receipt) and the complainant will be provided with a copy of this policy. If the matter is not considered to have legitimate grounds for consideration as a complaint, as set out in this policy, the complainant will be informed of this.

After making investigations, the CEO will aim to respond to the complainant within 20 working days of the written complaint being received, although this time limit may be extended with the agreement of the complainant or where the CEO feels it necessary to take legal or other advice, or where further investigation is necessary in order to investigate the matter sufficiently.

Where it appears that the complaint includes an allegation that a criminal offence has been committed, the CEO may deal with the complaint by referring it to the police. In this case no further Council investigation will be pursued, subject to advice from the police.

(Any complainant has the right to appoint a professional representative, or other person, to act on their behalf or accompany them, in which case all correspondence will be addressed to the representative and not directly to the complainant.)

5.3 FORMAL COMPLAINT (SECOND STAGE)

If a complainant is dissatisfied with the outcome of the first stage of the Formal Complaint process, or if the complaint was not dealt with to the satisfaction of the complainant, the complainant can ask for the matter

to be referred to the second stage of the Formal Complaint process. This will involve a review of the first stage Formal Complaint, in terms of its procedure and efficacy, by Full Council or duly delegated Committee. If Full Council or duly delegated Committee reviewing the first stage Formal Complaint, feels that an element of the complaint was not sufficiently investigated at a previous stage, officers may be tasked with carrying out further investigation and reporting this back to Full Council or the duly delegated Committee to assist them in arriving at their conclusion.

Before the Meeting

1. An officer shall acknowledge receipt of the second stage Formal Complaint and advise the complainant when the matter will be considered by Full Council or by a duly delegated Committee established for the purpose of hearing complaints. The meeting shall be convened at the earliest possible opportunity as dictated by Councillor/officer availability.

2. The complainant will be informed of the date, time and place of the meeting. At least ten working days' notice will be given. The complainant will be invited to attend the meeting and also to submit any documents to which they wish to refer. Any such documents must be received by the CEO seven working days before the meeting to enable them to be circulated to members. The CEO will provide to the complainant, within the same timescale, any documents to which the Council wishes to refer.

At the Meeting

3. The Council to consider exclusion of the public and the press for relevant agenda items. Any decision on a complaint will be announced in public.

4. The Chair to introduce everyone and explain the procedure.

5. The complainant (or representative) to outline the grounds for complaint.

6. Members to ask any questions of the complainant.

7. If relevant, the CEO will explain the Council's position.

8. Members to ask any questions of the CEO.

9. The CEO and the complainant to be offered the opportunity to summarise their position (in this order).

10. The CEO and the complainant should be asked to leave the room while Members deliberate and make a decision on the complaint, specifically whether the outcome of stage one should stand. (If a point of clarification is necessary, **both** parties to be invited back).

11. The CEO and complainant return to hear decision, or to be advised when a decision will be made. An additional meeting of Full Council or the duly delegated Committee to be called if a delay is required prior to making a decision.

12. If Full Council or the duly delegated Committee considers that a complaint alleges misconduct by an employee, the decision on the complaint may be deferred until the allegation has been dealt with under the relevant Council HR procedures, unless this has already been carried out under an earlier stage of investigation.

After the Meeting

13. The decision of the meeting will be confirmed in writing to the complainant within seven working days together with details of any action to be taken.

14. The outcome of the complaint, and any procedural changes implemented as a result, must be reported by the CEO to a subsequent Full Council meeting.

15. The decision of the Council at the conclusion of a second stage Formal Complaint is final and represents the end of the Thornbury Town Council complaints process.

16. The Local Government Ombudsman has no jurisdiction in respect of parish and town councils except where the council is working jointly with a principle council through a joint committee or is carrying out a function of a principle council.