



## HOUGHTON REGIS TOWN COUNCIL

### COMPLAINTS PROCEDURE

Date of Approval:	23 <sup>rd</sup> October 2006
Dates of Review:	11 <sup>th</sup> November 2013; 21 <sup>st</sup> September 2015; 26 <sup>th</sup> September 2016; 26 <sup>th</sup> September 2017; 10 <sup>th</sup> June 2019; 14 <sup>th</sup> September 2020
Dates of Re approval:	5 <sup>th</sup> December 2016; 11 <sup>th</sup> December 2017; 7 <sup>th</sup> October 2019; 14 <sup>th</sup> December 2020

Based on NALC Legal Topic Note 9E, Handling Complaints, December 2018

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## 1. SCOPE OF THE COMPLAINTS PROCEDURE

### General

‘A complaint is an expression of dissatisfaction 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.’

A complaint against a local council may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delay or making a mistake.

This guidance is aimed at those situations where a complaint has been made about the administration of the council or about its procedures. It is designed for those complaints that cannot be satisfied by less formal measures or explanations provided to the complainant by the clerk or other proper officer or chairman. When a complaint is made against a council, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against a council will be treated as a complaint against the body corporate of the council, **not** as a complaint against individual employees or member(s) of the council.

The Complaints Procedure sets out an efficient and transparent process for dealing with complaints received by establishing a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to the council from other bodies. The Complaints Procedure seeks to ensure that the complainant feels satisfied that their complaint has been properly and fully considered.

At all times, the rules of natural justice will apply, all parties will be treated fairly, and the process will be reasonable, accessible and transparent.

### Complaints about an employee

Complaints about an employee of the council will be dealt with as an employment matter. The complainant will be assured that the matter will be dealt with internally and appropriate action taken as required.

### Complaints about a councillor

Complaints about a councillor should be sent to:

The Monitoring Office

Central Bedfordshire Council

Priory House

Monks Walk

Shefford

Tel: 0300 300 8000

[https://www.centralbedfordshire.gov.uk/officeforms/Complaint\\_form\\_for\\_councillors\\_conduct.ofml](https://www.centralbedfordshire.gov.uk/officeforms/Complaint_form_for_councillors_conduct.ofml)

## 2. CODE OF PRACTICE

The Council will establish a Complaints Sub-Committee comprising of 3 Members drawn from the Corporate Services Committee to deal with complaints. The conclusions drawn at any meeting of the Complaints Sub-Committee will be reported to the next Town Council meeting.

If the clerk or other proper officer is putting forward the justification for the action or procedure complained of, he or she should not advise the council or committee.

Before the meeting:

- i. All formal complaints against a local council must be communicated in writing, including email, to the clerk or other proper officer.
- ii. If the complaint concerns the clerk or other proper officer, they may be advised to address their complaint to the chairman of the council.
- iii. The complainant will be asked at the outset to confirm if they wish the complaint to be treated confidentially. If the complainant waves confidentiality, the council must still comply with its obligations under the Data Protection Act 2018 in order to safeguard against the unlawful disclosure of personal data.
- iv. To ensure compliance with its obligations in the Data Protection Act 2018, a council cannot disclose the identity, contact details or other personal data about an individual complainant unless they consent, or disclosure is otherwise fair and lawful under the 2018 Act e.g. for the purpose of discharging the council's functions, or for the performance of contractual obligations. The council will ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to an individual complainant or a third party in the agendas or minutes of its meeting. The identity of a complainant should only be made known to those in the council who need to consider the complaint. In other words, a council is expected to treat a complaint in confidence.
- v. The clerk, other officer or chairman of the council, shall acknowledge the receipt of the complaint within 5 working days and advise the complainant when the matter will be considered by the Complaints Sub-Committee.
- vi. The clerk or other proper officer will investigate the complaint and will provide a written report outlining the investigation and its findings
- vii. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
- viii. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting.
- ix. within 2 working days of the evidence from the complainant being received that council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting including the investigation report.

At the Meeting:

- i. The meeting shall be clerked by an officer of the council who has not investigated or been involved in the complaint
- ii. The council shall consider whether the circumstances of the meeting warrant the exclusion of the press and public. Any decision on a complaint shall be announced at the council meeting in public.
- iii. Chairman to introduce everyone.
- iv. Chairman to explain procedure.
- v. Complainant (or representative) to outline grounds for complaint.
- vi. Members to ask any question of the complainant.
- vii. the clerk or other proper officer to explain the council's position and the finding of the investigation.
- viii. Members to ask any question of the clerk or other proper officer.
- ix. Clerk or other proper officer and complainant to be offered opportunity to sum up (in this order).

- x. Clerk or other proper officer and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
- xi. Clerk or other proper officer and complainant return to hear decision, or to be advised on the timescale of any necessary investigation and when a decision will be made.

#### After the Meeting

Decision confirmed in writing, by first class post, within seven working days together with details of any action to be taken.

#### Right of Appeal

If the complainant wishes to appeal against the decision, he or she must notify the clerk or other proper officer in writing, including email, within 7 working days of receiving written notice of the decision, giving reasons for the appeal. An Appeal may be raised if:

- i. The complainant thinks the finding is unfair
- ii. New evidence has come to light
- iii. The complainant thinks that the complaints procedure was not applied properly

If the complainant notifies the council that he or she wishes to appeal, the complainant will be invited to attend an appeal hearing before the Appeals Sub-Committee. The Appeals Sub-Committee shall comprise 3 Members drawn from the Corporate Services Committee who were not members of the original Complaints Sub-Committee.

An appeal hearing will normally be convened up to 10 working days of the council receiving notification that the complainant wishes to appeal. If the hearing date is inconvenient for the complainant, he or she may ask to postpone the hearing by up to 5 working days.

The complainant must provide in writing, or by email, at least 5 working days ahead of the meeting information supporting the appeal based on the grounds of appeal, including:

- i. Unfair finding

The complainant is to specify how or why the finding is unfair

- ii. New evidence

The complaint must provide a copy of the new evidence

- iii. Complaints procedure not applied properly

The complainant is to specify how the complaints procedure was not applied properly

The meeting shall be clerked by an officer of the council who has not investigated or been involved in the complaint

The Appeals Committee will consider the grounds of appeal and the supporting evidence followed by a response from the Clerk or other proper officer.

The hearing will be adjourned to afford the Appeals Committee time to consider its decision.

The decision taken by the Appeals Committee will be final.

After the Appeal hearing the council will inform the complainant of its final decision within 5 working days in writing, by first class post.

### **3 POLICY REVIEW**

This policy will be reviewed every four years by the Corporate Services Committee.