



**EVESHAM TOWN COUNCIL**

**COMPLAINTS PROCEDURE**

## **THE IMPORTANCE OF COMPLAINTS**

Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

## **DEFINITION OF A COMPLAINT**

*A complaint is 'any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers'.*

### **What the complaints procedure will deal with:-**

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

### **What the complaints procedure will not deal with:-**

- complaints for which there is a legal remedy or where legal proceedings already exist.
- internal complaints about employment matters - the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.
- complaints about Councillors, if they cannot be swiftly resolved through discussion, are to be referred to Wychavon District Council's Monitoring Officer.
- complaints relating to the services of another Council, i.e. Wychavon District Council or Worcestershire County Council will be forwarded to them. The complainant will be informed of this action.

## **EQUAL OPPORTUNITIES**

The Town Council is committed to equal opportunities. Complaints and feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

### **COMPLAINTS OFFICER**

The Complaints Officer for the Town Council is the Town Clerk. The Clerk's 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.

Where a complaint relates to the Town Clerk, the complaint will be dealt with by the Town Mayor and the Chairman of the Personnel Committee in line with the stages of procedure as detailed below.

### **STAGES OF THE PROCEDURE**

The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

#### **Everyday problems, queries and comments**

The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

#### **Informal Complaint**

During the course of daily business, minor complaints may be 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 comment 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.

#### **Formal Complaint (First Stage)**

A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the Town Clerk to investigate, or if about the Town Clerk, the Town Mayor. The complainant will be notified of the outcome of their

complaint in writing within 20 working days of the formal complaint being made. Where this time scale cannot be met, due to the nature of the complaint or resources, the complainant will be informed.

If the complainant remains unsatisfied with the response following an investigation, they should be informed of their right to take the matter further.

### **Review of Investigation and Complaint (Second Stage)**

If the complainant is not satisfied with the Town Clerk's response, (or Town Mayor's if relating to the Town Clerk), they should be advised of their right to have the complaint referred to **any three members of the Personnel Committee not including the Mayor, Deputy Mayor and Chairman**, who will review the complaint at their next scheduled meeting. If no meeting is scheduled within 4 weeks of the request being made, then a special meeting will be called at the earliest convenience.

### **Committee Chairman**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to the Committee Chairman including the Town Mayor and Deputy Town Mayor, for them to consider. This group will meet to specifically deal with the complaint. There will also be a note-taker, nominated by the group, who will not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the Committee Chairman will be advised to the Council at its next meeting.

The complainant will have the right to attend the meeting and make representation for a time that is at the discretion of the Chairman, usually 5 minutes. However, the complainant will be asked to leave during deliberation. The complainant will be called back in to be notified of the outcome.

### **Unreasonable and Vexatious Complaints**

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

These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. He may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

### **Anonymous Complaints**

Anonymous complaints should be referred to the Town Clerk, and may be acted on at his discretion, according to the type and seriousness of the allegation.

## **RESOLUTION AND REMEDIES**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Town Clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

## **CONTACTS**

### **Evesham Town Council**

The Town Clerk, email [townclerk@eveshamtowncouncil.gov.uk](mailto:townclerk@eveshamtowncouncil.gov.uk)

Telephone 01386 565700

#### Address:

Evesham Town Council

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Recommended to council on: 17 February 2014

Adopted by Council on: 10 March 2014

Reviewed and amended on 19 May 2015 to reflect that complaints against the Town Clerk would be dealt with by the Town Mayor together with the Chairman of the Personnel Committee.

Reviewed 16 May 2016 – no amendment

Reviewed 19 February 2018 – amendment to stage 2 to reflect that complaint could be referred to any 3 members of the Personnel Committee, not including the Mayor, Deputy Mayor and Chairman, as they were to deliberate if it escalated to stage 3.