

# Sleaford Town Council

## CONSTITUTION

### Chapter 24

### Complaints Procedure Policy



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Adopted Annual Meeting 15<sup>th</sup> May 2019

## **COMPLAINTS PROCEDURE POLICY**

### **1. INTRODUCTION**

A complaint is an expression of dissatisfaction by one or more members of the public about the Parish Council's action, or lack of action, or about the standard of a service, or a person or body acting on behalf of the Council. Complaints may be verbal or written.

A Good Complaints Procedure 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 the special needs and circumstances of the complainant \* Adequately resourced \* Fully supported by Councillors and officers; and \* Regularly analysed to spot patterns of complaint and lessons for improvement.

It will not be appropriate to deal with all complaints under this Complaints Procedure. For example: \* Where someone feels very strongly that a decision of the Council was unlawful, they may apply to the courts for a judicial review of the Council's decision. \* In the event of an accusation of financial wrongdoing, a complaint may be made to the Council's auditor. \* Breaches of the Members' Code of Conduct for the Council may result in an allegation being made to the local Principal Authority (North Kesteven District Council). \* Any matter that raises a suspicion of criminal wrongdoing can be referred to the police. \* Where the Council carries out functions on behalf of another authority, such as grass cutting under an agreement with the District/County Council, the complaint can be referred to them. The Ombudsman may be involved if the matter is not resolved by the principal authority.

A complaint that the Council has not released information under the Freedom of Information Act 2000 in the manner that a person requesting believes it should have been done, can be referred to the Information Commissioner.

### **2. CONFIDENTIALITY**

The identity of a complainant should only be made known to those who need to consider a complaint and Council should take care to maintain confidentiality where circumstances demand. Remedies: The purpose of a Complaints Procedure is to put things right if things go wrong. \* The written response on behalf of the Council should include a full and frank response to the concerns raised by the complainant, and an apology where appropriate. \* Town Councils have power (i) to make a payment or (ii) to provide some other benefit where action amounts to or may amount to maladministration.

### **3. SLEAFORD TOWN COUNCIL COMPLAINTS PROCEDURE**

This procedure does not cover complaints about the conduct of a Member of the Council.

The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council for consideration.

If a complaint about procedures, administration or the actions of any of the Council's employees is notified verbally to a Councillor or to the Clerk, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

The complainant will be asked to put the complaint in writing (letter or e-mail) to the Clerk to the Council, at:

The Town Hall, Quayside House, Navigation Yard, Sleaford, Lincolnshire NG34 7TW.

The complaint will be dealt with within 14 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing. If the complainant prefers not to put the complaint to the Clerk to the Council, he or she should be advised to write to the Chairman of the Council.

On receipt of a written complaint, the Clerk to the Council (except where the complaint is about his/her own actions) or Chairman of the Council (if the complaint relates to the Clerk) will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her opportunity to comment. Efforts should be made to resolve the complaint at this stage.

Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions; he or she shall refer the complaint to the Chairman of the Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.

#### **4. REPORTING OF COMPLAINTS**

All complaints and any outcome will be reported to the next meeting of the Full Council.

#### **5. HANDLING VEXATIOUS OR ABUSIVE COMPLAINTS**

A very small minority of complainants may persist unreasonably with their complaints or make complaints in order to make life difficult for the Council, rather than genuinely to resolve a grievance. The Council recognises the need to distinguish between those who make a number of complaints because they genuinely believe things have gone wrong, and those who are looking to subvert the legitimate business of the Council.

A policy on handling unreasonably persistent complaints and unreasonable complainant behaviour, and corresponding guidance for staff helps the Council deal with complainants in ways which are demonstrably consistent and fair. It also helps staff to understand clearly what is expected of them, what options for action are available and who can authorise these actions.

It is not necessary to meet a complainant's unreasonable demands, and judgement is required to separate the legitimate from the unreasonable queries, often within the same complaint. If the complainant's persistence adversely affects the Council's ability to do its work, it must address such behaviour. The Clerk will implement action agreed by the Council and will notify the complainant that their complaint is considered vexatious and what action will be taken.

Threatening and Abusive Complainants and Harassment: Sleaford Town Council does not expect staff or members to tolerate unacceptable behaviour by complainants which causes or may cause undue stress. "Harassment" is defined as unwelcome and unwarranted behaviour that affects the dignity of an individual or group. Harassment may also include actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempt to undermine or injure an individual or group of individuals. Examples may include, but not exclusively, verbal abuse, bullying, shouting or swearing or threat of any of these behaviours.

All such incidences must be documented and all personal contact with the complainant will be discontinued and the complaint will thereafter only be continued through written communication by post.