

GODMANCHESTER TOWN COUNCIL

Complaints Policy and Procedure

This policy was formally adopted by the Town Council at the Town Council meeting held on 24 June 2021

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Cllr Clifford Thomas

TOWN MAYOR

A complaint is an expression of dissatisfaction about the Council's action or lack of action, about the standard of a service, or about an administrative fault such as not following procedures, standing orders or making a mistake. This applies whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

The Complaints Procedure is for residents who live in or near the Council's area, and who are affected by the Council's decisions. It is also for other individuals or organisations or unincorporated bodies, affected by Council business.

This Complaints Policy does not relate to complaints received about services delivered by any other body.

Principles of the Complaints Policy

1. A complaint against the Council will be treated as a complaint against the body corporate of the Council, not as a complaint about individual employees or members.
2. Council will engage in procedures other than the Complaints Procedure in respect of the following types of complaint:
 - Where the complaint alleges financial irregularity local electors have a statutory right to object to the external auditor and will be referred to this body;
 - Where the complainant alleges criminal activity, the matter will be referred to the police;
 - Where the complaint relates to a member allegedly breaching the code of conduct, the complainant will be advised that the Town Clerk will undertake the initial investigation and may refer the matter to the Monitoring Officer at Huntingdonshire District Council, to decide if the matter is a breach of the Code of Conduct. Where a breach of the Code of Conduct has been established, the matter will be dealt with either by the Town Clerk or the Monitoring Officer at Huntingdonshire District Council, who will decide on a suitable course of action;
 - Where the complaint is about a member of staff the disciplinary procedure will be instigated.
3. The Complaints Policy and Procedure is not a means of redress for members of staff.
4. Where a complaint cannot be resolved informally, the Council requires a formal complaint to be submitted in writing or by email.
5. All complaints will be properly investigated.
6. All formal complaints will be brought to the attention of the Council.
7. The complaints procedure will consist of two stages, allowing for an appeal to be heard. Members involved in the original decision will not participate in the determination of an appeal.

8. In all instances, the Council will comply with its obligations under the General Data Protection Regulation 2018. The complainant has the right to confidentiality unless they waive their right.

The Council will ensure that the Complaints Procedure is:

- Well published, easily accessible and easy to use
- Helpful and receptive
- Not adversarial
- Fair and objective
- Based on clear procedures and defined responsibilities
- Thorough, rigorous and consistent
- Decisive and capable of putting things right where necessary
- Sensitive to the special needs and circumstances of the complainant
- Has adequate resources
- Fully supported by members and officers
- Provides responses that are proportionate; noting that one size does not fit all
- Ensures timely resolution
- Regularly reviewed to ensure it continues to be fit for purpose

Complaints are analysed to spot patterns and lessons for service improvement.

General

The procedure applies where Godmanchester Town Council is alleged to have:

- Done something wrong
- Done something it should not have done
- Failed to do something it should have done
- Behaved unfairly or discourteously
- Not carried out a service to a recognised standard or within an acceptable timescale

The procedure does not apply where:

- An initial complaint is a necessary part of a request for a service
- The matter is about services offered by a body other than the Town Council

Separate procedures exist for staff grievances, disciplinary matters, complaints about councillors, financial complaints and confidential reporting (whistle blowing).

Council policies are set by the Council. Any resident unhappy with the Council's policies or decisions can attend a Council meeting and explain their concerns: each meeting provides an opportunity for local electors to address the Council for up to three minutes. Because this opportunity is provided disagreements with Council policies or decisions are not dealt with under this Complaints Procedure.

For other types of concern or complaint the Council has agreed this Complaints Procedure to ensure that all complaints will be investigated fairly and promptly.

There are two stages to the Complaints Procedure:

- The first stage is normally undertaken by the Council's officers and seeks to resolve the majority of concerns or complaints quickly and easily;

- The second, appeal stage, takes place if the complainant does not agree with that decision. It will be reviewed by a group of Councillors to determine whether the first stage decision was fair in all the relevant circumstances.

There are some Special Cases outlined below in the Procedure to ensure that, whilst they are dealt with differently, this will be done fairly and as openly as possible in the particular circumstances.

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 internally as an employment matter and appropriate action taken as required.

Complaints about a Councillor

The Code of Conduct for Councillors, a copy of which is on the Town Council website, is based on Councillors following the seven principles of public service:

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership**

This Code applies to Councillors only in their role as Town Councillors – any complaints about their conduct in private or in any other role do not form part of this policy/procedure.

A complaint alleging that a Councillor has not complied with the Council's Code of Conduct should be sent to the Town Clerk.

The Town Clerk will review the complaint and if it is felt to be serious, or there are particular issues that mean it would be unlikely to be solved locally, it will be referred to the Monitoring Officer at Huntingdonshire District Council who will deal with it in accordance with the District Council's approved procedure (a copy is available on their website).

If the complaint is to be dealt with locally the Town Clerk will investigate the complaint. During the investigation there may be information that emerges resulting in the Town Clerk referring it to the Monitoring Officer, but otherwise the Town Clerk will decide whether or not the Code of Conduct has been breached.

If it is considered that the Code has been complied with, the complainant and the Councillor will be informed. If the complainant is dissatisfied with the decision they can ask for the complaint to be referred to the District Council's Monitoring Officer.

If the Town Clerk considers that the Code has not been complied with, the Town Clerk will propose appropriate actions to be taken by the Councillor. If the Councillor

is unwilling to comply with those actions, the matter will be referred to the Monitoring Officer. If the Councillor is willing to comply but the complainant is not content with the result, they can ask for the complaint to be referred to the Monitoring Officer.

The Town Clerk will report the final position on all complaints against Councillors to the next practicable meeting of the Council.

FIRST STAGE

1. Complaints or concerns should be raised:

In person: Town Hall
 1 Post Street
 Godmanchester
 PE29 2NB

By phone: 01480 388870

Whoever answers will take the details and make sure the appropriate person follows it up. The complainant may be asked to confirm the details in writing.

By email: townclerk@gmccouncil.com

In writing: The Town Clerk
 Town Hall
 1 Post Street
 Godmanchester
 PE29 2NB

2. Alternatively, complaints may be addressed to the Town Mayor by writing to Town Mayor, Town Hall, 1 Post Street, Godmanchester, PE29 2NB
3. The Council has processes in place to ensure that in Special Cases (see later) there is a different procedure to ensure that all complaints are considered fairly and consistently. For example, in the case of a complaint about a particular individual, another person will deal with the complaint. The Town Clerk or Mayor will ensure that the matter is referred to an appropriate individual or Panel for investigation.
4. If further information is required the complainant will be contacted to obtain this.
5. In many cases the matter will be easily resolved and usually within five working days. If there is going to be a delay, the complainant will be informed in writing by letter or email. A delay could be because a key person is on holiday, the issue is complex or external advice is needed. It is only in exceptional circumstances that a complaint would take longer than 20 working days to resolve.
6. Once the investigation has been concluded the complainant will be informed in writing, either that:
 - The complaint is upheld, together with how it is proposed to put matters right and any redress - or that:

- The complaint is not upheld with an explanation of the reasoning for the decision

In either case the complainant will be informed that they have a Right of Appeal against the decision within 21 days of receiving the letter.

Appeal Stage

1. Except in special circumstances (see later), appeals will be considered by the Council's Appeal Panel which consists of three Councillors appointed to consider any appeals under this procedure.
2. This Panel will consider:
 - All of the information previously provided
 - Any further information the complainant wishes to provide explaining why they consider the first stage decision to be unfair
 - Information collated by the Council that led to the response
3. The Panel will also question the Council's officers and any Councillors who have information on the issue, where they feel this is necessary to ensure a fair outcome.
4. The Panel also has the right to obtain professional advice and/or commission independent investigation of any aspect.
5. Once they reach their conclusion they will write to the complainant explaining their decision and, if relevant, how they propose to put it right. They will also provide a full report to Council detailing the findings of their investigation and their decision.

Consequential Actions

A report will be presented periodically to the Council outlining the actions taken on complaints that have been upheld, to ensure such issues do not re-occur.

Special Cases

In any of the following Special Cases the complainant will be informed of what is happening and the likely timescale.

Complaints by an employee of the Council about the Council's actions as an employer

These will be dealt with under the Council's Staff Grievance Policy.

Complaints alleging misconduct by an employee

If necessary, these will be split into two elements. The alleged misconduct will be dealt with first under the Council's Disciplinary Policy. The Council may only be able to consider any resultant impact on the complainant, or others, once this has been completed.

Complaints alleging a Criminal Offence

Where it appears that the complaint constitutes or includes an allegation that a criminal offence has been committed it will be passed to the Police by the Town Clerk. The Council

will sometimes only be able to consider any resultant impact on the complainant, or others, once the Police investigation is completed.

Persistent or Vexatious Complainants

Sometimes the Council can experience problems with unreasonable behaviour from complainants. If, in the opinion of the Town Clerk, after consultation with the Mayor, this occurs, then the complaint will be dealt with under the Council's Persistent and Vexatious Complaints Policy.

Amendment History:

Paragraph	Detail	Approval Date
Original	Initial Version	January 2018
Reviewed	Reviewed and Re-adopted	June 2021
Review Date		June 2024