

## **Desborough Town Council**

### **COMPLAINTS POLICY AND PROCEDURE**

Desborough Town Council intends to conduct its business as openly, honestly, and transparently as possible. It wishes to engage with members of the community and provide as much information as possible. The Council believes that a complaints procedure demonstrates to residents that the Council:

- wishes to provide a good service;
- values feedback;
- undertakes its business in an open and honest manner;
- wishes to deal with complaints fairly.

The Council believes that complaints and suggestions provide a valuable opportunity for improving its services and performance. Some types of complaint are handled outside this procedure: for example, financial irregularity are handled by the Council's auditor / Audit Commission; criminal activity by the Police; Member conduct by the standards committee of the principal authority (North Northamptonshire Council); employee conduct by internal disciplinary procedure; complaints that the Council has not released information will be referred to the Information Commissioner's Office (ICO).

#### **What is a complaint?**

For the purposes of this procedure, a complaint is defined as:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of action, by the Council or its staff affecting an individual resident or group of residents.

This definition covers most complaints - such as:

- dissatisfaction with the administration of policy and decisions;
- delays in responding to service requests;
- failure to achieve standards of service;
- failure to fulfil statutory responsibilities;
- employees' behaviour or attitude.

The Council accepts that errors are sometimes made and where this has happened will work as quickly as possible to rectify the matter. If following the investigation into the complaint the Town Council is found to be at fault, every effort will be made to resolve the complaint.

Information regarding disclosure of identities is covered under the Data Protection Act.

This prohibits the Town Council from identifying the individuals involved unless the Town Council has their express permission to do so.

#### **Vexatious, repeated, or obsessive?**

If the Council believes that a request for information is vexatious, repeated, or obsessive, they can make the decision to not enter into any further correspondence with the person concerned and a notice to that effect will be issued (Section 1(1) and (2) of the Freedom of Information Act). The applicant has a right to appeal to the Council. The Council will look at the request again and based on the evidence either uphold the exemption or provide the requested information.

If the Council decides to uphold its decision then the applicant can appeal to the ICO.

The ICO may then uphold the Council's decision on the exemption or ask the Council to comply with the request.

#### **Complaints concerning the behaviour of Councillors**

Councillors are required to observe the Council's adopted 'Code of Conduct'; this can be found on the Council's website or a copy can be obtained from the Town Clerk. If a person thinks that a Councillor has broken any of the rules in the Code of Conduct, the person should refer the complaint to the Monitoring Officer at North Northamptonshire Council who will advise further. The address is The Monitoring Officer, North Northamptonshire Council, Sheerness House, 41 Meadow Road, Kettering, NN16 8TL.

## **How we deal with Complaints**

Complaints may be submitted in writing or orally. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration. All complaints should be referred to the Town Clerk for action. If the complaint involves the Town Clerk personally, the complaint should be addressed to the Chair. The Clerk will be formally advised of the matter and given an opportunity to comment.

### **Stage 1**

In many cases, it will be possible for an issue to be dealt with straight away and the source of the complaint resolved immediately. The Town Clerk will not reveal details of the complainant at this time unless authorized to do so. If the complainant is still not satisfied, then the Council would suggest the complainant move to the next stage.

### **Stage 2**

- The complainant should complain in writing to the Town Clerk (or to the Chair of the Council if the complaint involves the Town Clerk personally). Assistance should be given to the claimant if necessary.
- A Complaints Panel of five Councillors will be drawn from the whole Council. The Chair (or if the Chair is unavailable, the Vice Chair) will chair the Panel, the remainder of the Panel members will be drawn in turn from available Council members. The Chair and Vice Chair of the Council may not sit on the same Panel or Appeals Panel.
- The Complaints Panel will meet in private.
- The Town Clerk will advise the complainant when and where the Panel will meet to consider the complaint. As far as possible, access requirements of the complainant will be accommodated.
- The complainant will be invited to attend the relevant meeting and bring with them a friend or a representative.
- Not later than seven clear working days prior to the meeting, the complainant and the Council will exchange copies of any documentation or other evidence to be relied on.
- The Town Clerk will normally represent the Council throughout the proceedings but another Officer or a nominated Councillor may act instead. This Councillor must not be involved in the process in any other way.

#### **The Complaints Panel Meeting**

- The Chair will introduce everyone and explain the procedure;
- The complainant (or representative) should outline the grounds for complaint before any questions from the Town Clerk and then from the Panel;
- The Town Clerk should explain the Council's position before any questions from the complainant, and from the Panel;
- The complainant and the Town Clerk should then summarise their position; they then leave the room while the Panel decides whether or not the grounds for the complaint have been made;
- If the decision is unlikely to be finalised on that day an estimated date will be given.

#### **After the Meeting**

A decision will be confirmed in writing within seven working days together with details of any action to be taken. The result of the proceedings should be reported at the next Council meeting after the appeal period has passed, ensuring that agreed confidential issues are appropriately respected.

### **Stage 3**

- Should the complainant not agree with the decision they are entitled to appeal the decision in writing within fourteen days of receipt of the result of the proceedings.
- An Appeals Panel chaired by the Vice-Chair of the Council (or Chair) and two other Councillors who have not been involved in the process will be formed.
- The Appeals Panel will, within twenty-one days of receiving the appeal, examine the way in which the Council dealt with the complaint.
- If procedures were correctly handled by the Council then the appellant should be notified that the appeal has not been successful. If the complaint was not handled correctly it must be referred back for consideration by the Complaints Panel.
- The appellant should be notified of the result of the appeals process within fourteen days.