



TEIGNMOUTH TOWN COUNCIL COMPLAINTS (and COMMENTS) POLICY

Version 1

Approved and Adopted:

23 June 2020

Review date:

June 2022

1 PURPOSE

Teignmouth Town Council is committed to providing the best quality of service to the residents that it serves, but appreciates that there may be times when things go wrong. The purpose of our complaints procedure is to put things right in such situations. The Council will take all complaints seriously.

At all times, all parties will be treated fairly and the complaints process will be reasonable, accessible and transparent.

All complaints that refer to staff and about staff will be dealt with by the HR Committee.

Comments and Complaints can be registered on the Teignmouth Town Council's website however a hard copy comment/complaint form is enclosed with the procedure.

2 SCOPE

Definition of a Complaint

For the purpose of this policy, the following definition of a complaint will be used:

"A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of 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."

When the Complaints Procedure is Not Appropriate

The Town Council's Complaints Procedure will not be used in respect of the following types of complaint:

i. Financial Irregularity

The Town Clerk or Responsible Financial Officer (RFO) should endeavour to provide an explanation of the item.

If the complainant is not satisfied, the Town Clerk or RFO will advise the complainant of their statutory right to object to the Council's audit of accounts pursuant to S16 Audit Commission Act 1998. On other matters, it may be necessary for the Town Clerk or RFO to consult the auditor/Audit Commission.

ii Criminal Activity

The Town Clerk should refer the complainant to the Police.

iii. Member Conduct

In the event of a complaint relating to a Member's failure to comply with the Code of Conduct, the complainant will be advised to make their complaint to Teignbridge District Council's Monitoring Officer.

.iv. Employee Conduct

A complaint relating to the conduct of an employee will be dealt with via the

Council's Disciplinary Policy and Procedure.

Complaints that an employee may have about a colleague will be dealt with in accordance with the Council's Grievance Procedure and Whistleblowing Policy.

Complaints that an employee may have about a Member will be referred to Teignbridge District Council's Monitoring Officer

3 COMPLAINTS PROCEDURE

Stage One

In the first instance, a complaint about a service, procedure or administration of the Council will be dealt with in the following way:

- a. Contact the member of staff who you have been dealing with and tell them about the problem. This can be done in person at Bitton House, by phone, by email, or via the Teignmouth Town Council website contact form.
- b. Every effort will be made to resolve the complaint straight away. We aim to reply to all correspondence within ten working days.
- c. Should the complaint not be resolved by staff, complainants will be advised that they may instigate stage two of the complaints procedure, which will result in a complaints meeting being held.

Stage Two

Prior to the Complaints Meeting

- a. The complainant should be asked to put the complaint in writing (letter or e-mail) which is to be addressed to the Town Clerk or other nominated officer. This may be done by the complainant, or someone acting for him/her; it may be done by a Council officer if the complainant needs help. If the complainant does not wish to put the complaint to an officer of the Council, he/she will be advised to put the complaint to the Town Mayor.
- b. Following receipt of the complaint, the Council officer or Town Mayor will immediately refer the written complaint to relevant Teignmouth Town Council committee or sub-committee. An extraordinary meeting may be necessary which will be arranged by the Town Clerk's office.
- c. The Council officer or Town Mayor will provide a written acknowledgement of the complaint within seven working days. The letter will advise the complainant when the matter will be considered by the relevant Teignmouth Town Council committee or sub-committee (committee is to be named in the response). The complainant will also be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way. The complainant will be invited to attend the meeting and will be informed that they may bring a representative with them.

d. The complainant will be notified that they must provide the Council with copies of any documentation or evidence relied on, seven clear working days prior to the relevant committee or sub-committee meeting.

e. The Council will provide the complainant with copies of any documentation upon which it wishes to rely at the meeting, and shall do so promptly, allowing the complainant, the opportunity to read the material in good time for the meeting with committee members.

At the Complaints Meeting

a. Depending upon the nature of the complaint, the sitting committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. It is general practice that the public and press will be excluded due to the confidential nature of many complaints.

b. The Chairman will introduce everyone and explain the procedure.

c. The complainant, or their representative, will outline the grounds for complaint and then questions may be asked (i) by the Town Clerk or other nominated officer, and then (ii) by Members.

d. The Town Clerk or other nominated officer may then explain the council's position and questions may be asked (i) by the complainant and then (ii) by Members.

e. The Town Clerk or other nominated officer should be offered the opportunity to summarise their position.

f. The complainant is then given the opportunity to summarise their position.

g. The Town Clerk, or other nominated officer, and the complainant will be asked to leave the room while Members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, **both** parties will be invited back.

h. The Town Clerk, or other nominated officer, and the complainant will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.

i. The decision will be confirmed in writing within seven working days of it having been made, together with details of any action to be taken.

j. The decision will be reported to the next Full Council Meeting, which will be open to the public and the press.

After the complaints procedure has been followed, the complainant has no right to further appeal and it remains the position that the Local Government Ombudsman

has no jurisdiction over the Town Council.

Confidentiality

The Council will take care to maintain confidentiality where circumstances demand, e.g. where matters concern sensitive information, or where third parties are concerned.

Council Representation

If the Town Clerk or other nominated officer represents the position of the Council at the meeting, putting forward justification for the action or procedure complained of, he/she should not advise the HR Committee, as they need to determine the matter themselves.

Analysis

Stage Two complaints will be analysed annually by the Town Clerk to spot patterns of serious complaints and lessons for service improvement, as well as assessing how well the complaints procedure is being followed.

Unreasonable and Vexatious Complaints

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

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

Anonymous Complaints

Anonymous complaints will be referred to the Town Clerk, and may be dismissed at their discretion, according to the type and seriousness of the allegation.

4 POLICY REVIEW

This policy will be reviewed on a four-year cycle. However, the policy will also be examined when a formal complaint is made to identify any areas requiring improvement.

5 CONTACT DETAILS

Teignmouth Town Council

Bitton House

Bitton Park Road

Teignmouth

TQ14 9DF

Telephone: 01626 775030

Email: townclerk@teignmouth-devon.gov.uk

Web: www.teignmouth-devon.gov.uk

Opening Hours: Monday to Thursday 9.00am-5.00pm, Friday 9.00am – 4.30pm.
Contact details for the Town Mayor are available on the web site.

Please Note:

I agree that by completing and submitting this Complaint/Comment form that the Council may process my personal information for providing information and corresponding with me but will not otherwise share that data. Specifically, I agree that the Council can keep the contact information data I have provided within the Form for the purposes of this complaint/comment. I am aware that I can request that my personal information be destroyed at my request, but I accept that this may impact the communication the Council would be able to have with me.

