

# COMPLAINTS POLICY & PROCEDURE

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## Introduction

- 1.1 The Town Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Policy based on LGO guidance to ensure that complainants are properly and fully considered.
- 1.2 The Town Council is committed to providing a quality service to benefit the residents of Leighton-Linslade and will monitor complaints to ensure they can be used to contribute to continuous service improvement.
- 1.3 A complaint is an expression of dissatisfaction about the Council’s action or lack of action or about the standard of a service, whether by the council itself or a person or body acting on behalf of the council.
- 1.4 The Town Council does not consider formal complaints against councillors. These are dealt with in accordance with the Town Council’s adopted Code of Conduct by Central Bedfordshire Council’s Monitoring Officer.

1.5 This Policy does not cover:

<b>Type of complaint</b>	<b>Refer to</b>
One Council employee about another	Grievance Procedure
A Council employee and the Council as employer	Disciplinary Procedure
Individual Councillor conduct alleged to breach the code of conduct adopted by the Council.	Central Bedfordshire Council is responsible for handling complaints that relate to a Member's conduct. Complaints should be addressed to the Monitoring Officer at Central Bedfordshire Council.
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (S.16 Audit Commission Act 1998)
Alleged criminal activity	Bedfordshire Police

1.6 A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

1.7 All complaints will be treated in accordance with the Council's policies relating to the Data Protection Act 2018.

## Informal Complaints

2.1 The Council receives queries, problems and comments as part of its day to day operations and these will not ordinarily be considered as complaints, but as routine and expected matters which will generally be resolved to the resident's/customer's satisfaction.

2.2 If someone is dissatisfied with the original service or response they received and wishes to take the matter further, then the issue will be recognised as an informal complaint.

2.3 The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged.

2.4 An informal complaint is made to a Head of Service or to the Town Clerk who will liaise with the complainant and relevant Members/officers to seek resolution.

2.5 Should, in the opinion of the Town Clerk or Town Mayor, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.

2.6 Any complaints handled by Heads of Service should be notified to the Town Clerk, who shall maintain a record of informal complaints about staff and the council.

2.7 There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

2.8 The Council will endeavour to deal with informal complaints within 14 working days of receipt.

- 2.9 The complainant should be advised that if they remain unsatisfied with the response, they have the right to then make a formal complaint.

## Formal Complaints

**Where possible, the Town Council would wish to solve any complaint informally prior to a formal complaint being lodged.**

All formal complaints shall be acknowledged within two weeks and complainants will be kept informed on the progress and likely timescale of the complaint investigation.

### Formal Complaints about Officers/Employees

- 4.1 Formal complaints about an employee of the Town Council must be made in writing to the Town Clerk setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 4.2 Complaints will be referred to the appropriate Line Manager for an investigation to be undertaken.
- 4.3 The Line Manager must report back following investigation to the Town Clerk who will ultimately make the decision as to whether the Council's disciplinary procedure needs to be invoked.
- 4.4 Complaints about the Town Clerk must be made in writing to the Town Mayor, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 4.5 The complainant will be informed that an investigation will take place, which may result in the complaint being progressed under the council's disciplinary policy. Timescales will vary depending on the nature of the complaint but the Council will endeavour to complete its investigation within 6 weeks of receipt.
- 4.6 The response following investigation will confirm whether or not the Council finds the complaint justified. If found to be a valid complaint, the response should focus on learnings and actions to be taken by the council to prevent any similar issues in future (e.g. training).
- 4.7 Any matters dealt with through the Disciplinary Procedure, following the initial investigation, are strictly confidential and cannot be disclosed to the complainant.

### Formal Complaints about the Council, Committees or Decisions

- 5.1 Complaints about the activity or decisions of the council should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.
- 5.2 The council will only consider complaints about its formal (council/committee) decisions where the complainant puts forward missing information or evidence to suggest that the council has erred in its decision making.

Residents have the opportunity to influence Council decision-making by speaking at the meeting at which the decision is to be made or by submitting comments in writing to the Town Clerk or to your councillor in advance of the meeting.

Please note that Town Council Standing Orders prevent it re-considering a decision within six months unless there are exceptional grounds to do so.

- 5.3 The complaint shall first be considered by the Town Clerk, Town Mayor and Chairman of the relevant committee who shall seek to resolve the issue or explain the background to the decision. The panel may escalate the complaint to the appropriate committee or Full Council should they consider they are unable to resolve it.
- 5.4 Timescales will vary depending on the nature of the complaint and dates of relevant committee meetings. The Council will endeavour to respond to a formal complaint within 12 weeks of receipt.
- 5.5 The response following investigation will confirm whether or not the Council finds the complaint justified. If found to be a valid complaint, the response should focus on learnings and actions to be taken by the council to prevent any similar issues in future (e.g. procedural changes or improvements in service delivery).
- 5.6 Should the complainant be dissatisfied with the response from the panel or relevant committee, they should request an appeal. This will result in a Complaints Committee being convened to consider the original complaint, outcome and appeal.
- 5.7 If a Complaints Committee is convened, the complainant may be invited to attend and to be accompanied by a representative of their choice. The outcome will be confirmed in writing to the complainant within seven working days of the meeting.
- 5.8 Records shall be kept detailing all complaints, actions undertaken and the outcome.

## Vexatious complaints

- 6.1 A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly, or raising complaints in an obsessive, persistent or aggressive manner.
- 6.2 The term complainant includes anyone acting on behalf of a complainant in a vexatious manner.
- 6.3 If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with a vexatious complainant.
- 6.4 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact by the Town Council with a vexatious complainant will only be taken after careful consideration of the situation by the Town Clerk and the Town Mayor.

## Anonymous complaints

- 7.1 Anonymous complaints will not normally be considered, but will be referred to the Town Clerk and may be acted on at their discretion, according to the type and seriousness of the allegation and the information provided.

## Local Government and Social Care Ombudsman

- 8.1 The LGO is responsible for handling complaints against principal authorities and some other public sector organisations which do not include local councils. The LGO has no jurisdiction in respect of a local council except where it is (i) working jointly with a principal authority through a joint committee which includes representatives of the principal authority or ii) exercising functions on behalf of a principal authority.

**Adopted by Council xx 2021**

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