

Woodstock Town Council

COMPLAINTS PROCEDURE

Approved by Council: January 8th 2013
Updated by Council: 10th September 2013.

Complaints Procedure

1. THE IMPORTANCE OF COMPLAINTS

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

2. DEFINITION OF A COMPLAINT

- 2.1 A complaint is *any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers.*

2.2 **What the complaints procedure will deal with:-**

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 **What the complaints procedure will not deal with:-**

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

3. EQUAL OPPORTUNITIES

- 3.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

- 3.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. COMPLAINTS OFFICER

- 4.1 The Complaints Officer for the Town Council is the Town Clerk. Her main duties are:

- (i) The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- (iv) To identify improvement points arising from any complaints.
- (v) To identify staff training issues.

Should the complaint be about the Town Clerk the Mayor or in their absence the Deputy Mayor will carry out this function.

5. STAGES OF THE PROCEDURE

- 5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

5.2 Everyday problems, queries and comments

The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

5.3 Informal Complaint

During the course of daily business, minor complaints may be made to officers and/or Councillors about the services we provide. These will usually be dealt with by the Town Clerk as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

5.4 **Formal Complaint (First Stage)**

A resident may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a formal complaint, investigated by the complaints officer (or Town Mayor if about the Town Clerk) and the outcome and recommendations will be presented to the Mayor's Committee for consideration. (Guidelines for this investigation are at Appendix 1)

Timescales

Acknowledgement by the Town Clerk – 14 days

Investigation completed - 21 days after Mayor's Committee

or Progress Reports Issued - 21 day intervals

Investigating Officer: The Town Clerk

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

5.5 **Review of Investigation and Complaint (Second Stage)**

If the complainant is not satisfied with the Mayor's Committee's response, they should be advised of their right to have the complaint referred to the Town Council who will review the complaint. If the complainant wishes to have his or her complaint reviewed they must notify the Town Clerk in writing within 28 days of receipt of the decision made in stage one of the procedure being notified to the complainant. This Council decision will be sent by recorded delivery.

Timescales

Acknowledgement by the Town Clerk - 14 days

Full Council – at the next available meeting

Review completed - 21 days thereafter

Reviewing Officer: A Council Member as nominated by the Mayor and approved by the Full Council

5.6 **Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process,

whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the Mayor's Committee with a summary of the issues and of the attempts made to resolve the complaint. It may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response. In such circumstances the complainant will be informed of their right to refer the matter to the Local Government Ombudsman.

5.7 **Anonymous Complaints**

Anonymous complaints will not usually be acted upon unless they contain serious accusations that it is in the interest of the Town Council to investigate.

6 **RESOLUTION AND REMEDIES**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Mayor's Committee, where it has delegated authority, will make any final decision regarding remedy, otherwise determination shall lie with the Town Council). An explanation or an apology will always be needed.

7 **CONTACTS**

Woodstock Town Council

The Town Clerk, email lorraine.watling@woodstock-tc.gov.uk

Telephone 01993 812116

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Woodstock Town Council

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Market Place

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Guidelines for investigating a Formal complaint.

Stage One:

1. A formal complaint will be referred to the Mayor's Committee who will ask the town clerk to investigate.
2. The Town Clerk will offer to meet with the complainant and ask them to tell the complete story. The object of this is to reach an agreed version of the nature and detail of the complaint which should be recorded.
3. Establish with the complainant what remedy they are seeking. This may be an apology or a review of a decision or other remedy perceived by the complainant as resolving the issue.
4. The Clerk will not agree or disagree with the complainant during the interview, even if they feel that what is being said is probably not true. They will listen carefully and not express a view. They will not sympathize with the complainant or make any rash promises or guarantees
5. The Clerk will then decide what information is needed to establish the facts of the matter. This may be interviewing councillors and/or staff and may include examination of documents pertinent to the complaint.
6. A report should then be prepared for confidential consideration by the Mayor's Committee and should include a recommendation
7. The Mayor's Committee will make a decision as to how best to resolve the customer complaint based on the best available evidence at the time.
8. The decision of the committee will be communicated to the complainant and if appropriate the agreed remedy will be applied.

Stage 2.

If the complainant remains dissatisfied, the matter will be referred to full council who will decide whether it warrants review by a Councillor or by the Town Clerk. The process of review will be decided on the basis of a proportionate response to the complaint. It may take the form of a review of documentation or it may repeat the process undertaken in stage one.

The outcome will be reported to full council who will make a decision and convey this to the complainant.