

# Hingham Town Council

## Complaints' Policy and Procedures

### Complaints' Policy

Hingham Town Council is committed to providing high quality, accessible and responsive services to everyone who lives, works or visits the town and to serve them as effectively and courteously as possible. One of the ways in which the council can continue to improve its services is by listening and responding positively to any comments or complaints that it may receive and by putting right mistakes .

The Council has adopted a standard procedure to provide a transparent, fair and confidential process for dealing with complaints made about the administration of the council or its procedures, which will ensure that any complaint is properly and fully considered.

### Aim

The Council aims to ensure that:

- making a complaint is as easy as possible;
- a complaint is taken as a clear expression of dissatisfaction with its service which calls for an immediate response;
- a complaint is dealt with promptly, politely and, when appropriate, confidentially;
- it responds in the right way - for example, with an explanation, or an apology where it has got things wrong, or information on any action taken etc; it learns from complaints, uses them to improve its service, and reviews annually its complaints policy and procedures.

Every effort will first be made by the Clerk or Chairman to resolve complaints to the satisfaction of the complainant informally, or by providing an explanation, before resorting to the formal complaints procedure.

The complaints procedure will not apply:-

- To complaints about a member of the Town Council's staff - these will be dealt with internally as an employment matter and appropriate action taken as required.
- To complaints made about individual councillors - breaches of the Members' Code of Conduct for the Council should be reported to the Monitoring Officer at South Norfolk Council.
- Where someone feels very strongly that a decision of the Parish Council was unlawful, they may apply to the courts for a judicial review of the Council's decision
- An accusation of financial wrongdoing, where a complaint may be made to the Council's external auditor, who may refer the matter to another body if required, refuse to sign off the accounts or produce a public interest report.
- To any matter that raises a suspicion of criminal wrongdoing may be referred to the police.
- Where the Council carries out functions on behalf of another authority, under an agency agreement with the District or County Council, the complaint may be referred to them. In such a situation, the Ombudsman may be involved if the matter is not resolved by the principal authority.
- Complaints against policy decisions made by the Council shall be referred back to Council (but note paragraph ... of the Council's Standing Orders which says that issues shall not be re-opened for six months without a special resolution)

## **Unreasonable and Vexations Complaints**

There will be circumstances when a complainant persists in wishing to proceed when there clearly is no reasonable basis to do so, 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. The Council may 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.

## **Anonymous Complaints**

Anonymous complaints may be dismissed at the discretion of the council according to the type and seriousness of the allegation.

# Complaints Procedure

## Before the Meeting

1. The complainant shall be asked to put the complaint about the council's procedures or administration in writing to the the clerk.
2. If the complainant does not wish to put the complaint to the clerk he or she shall be advised to address it to the chairman of the council.
3. The clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter shall be considered by the town council (or by the Committee established for the purposes of hearing complaints).The complainant shall also be advised as to whether the complaint is to be treated as confidential or whether, for example, notice of it will be given in the usual way on the council agenda.
4. The complainant shall be invited to attend the relevant meeting and bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The town council shall similarity provide the complainant with copies of any documentation upon which they wish to rely on at the meeting and shall do so promptly, allowing the complainant the opportunity to read the material in good time for the meeting.

## At the Meeting

6. The town council shall consider whether the circumstances of the meetingwarrant the exclusion of the public and press. Any decision on a complaint shall be announced at the town council meeting in pubic.
7. The chairman shall introduce everyone and explain the procedure.
8. The complainant (or representative) shall be invited to outline grounds for complaint and then questions may be asked by (i) the clerk and then members.
9. The clerk shall be given the opportunity to explain the council's position and questions may then be asked by (i) the complainant and (ii) members.
10. The clerk and then complainant shall be be offered the opportunity to summarise their position.
11. The clerk and complainant to be asked to leave room while members decide whether or not the grounds for complaint have been made. If a point of clarification is necessary, both parties to be invited back.
12. The clerk and the complainant shall be given the opportunity to wait for the

decision but if the decision is unlikely to be formalised on that day, they should be advised when the decision is likely to be made and when they are likely to be informed of it.

## **After the meeting**

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

### ***Informal Complaint (Stage 1)***

*A complaint should be made, either orally or in writing, to the Clerk or the Chairman who will investigate the complaint and report back to the complainant.*

### ***Complaints Panel (Stage 2)***

*If the complainant is not satisfied with the response, they will be advised of their right to have the complaint referred to a complaints panel consisting of three town councillors .*

### ***Complaint Review of Investigation and (Stage 3)***

*If the issue remains unresolved, the complainant will be notified of his or her right to have the matter referred to a meeting of the Town Council. The outcome of all formal complaints dealt with by Council will be announced in public at the following Town Council Meeting.*

*Reviewed*

*May 2017*