

Edlington Town Council



PROCEDURE FOR HANDLING COMPLAINTS

Approved by EDLINGTON TOWN COUNCIL 9th July 2019

Complaints' Policy and Procedures

Edlington 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.

Aims - The Council aims to ensure that:

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

The complaints procedure will not apply:-

- a) to complaints made about individual councillors – breaches of the Members' Code of Conduct for the Council should be reported to the Monitoring Officer at Doncaster Borough Council.
- b) where someone feels very strongly that a decision of the Town Council was unlawful, they may apply to the courts for a judicial review of the Council's decision

- c) to an accusation of financial wrong doing, 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.
- d) to any matter that raises a suspicion of criminal wrongdoing which may be referred to the police.
- e) where the Council carries out functions on behalf of another authority, under an agency agreement with the Borough 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.
- f) to complaints against policy decisions made by the Council which shall be referred back to Council subject to the rules in the Council's Standing Orders regarding rescission of previous resolutions.

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 complaint, 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.

The following procedures will apply:-

1. Complaints must be submitted to the Clerk (or if the complaint is about the Clerk, to the Town Mayor) :-

- In writing – To The Clerk, c/o The Grainger Centre, Stubbins Hill, Edlington, DN12 1JN or
- Via email - clerk@edlingtontowncouncil.gov.uk

The complaint will be treated confidentially unless the complainant agrees to waive confidentiality. Receipt of the complaint will be acknowledged within 5 working days by the Clerk (or Mayor if the complaint is about the actions of the Clerk). It is the aim of the Council for the complaint to be dealt with within a period not exceeding 25 working days (in the event that this is determined by a Complaints Panel, although depending on the circumstances this could take longer). The decision of the Complaints Panel will be communicated within 5 working days of the Panel meeting with reasons for its decision. The decision of the Complaints Panel is final and there is no right of appeal.

2. Complaints must include the following details:-

- The nature of the complaint in detail
- The subject of the complaint
- The remedy sought

3. The Clerk will send a copy of the complaint to the Mayor.
4. The Mayor, in consultation with the Clerk, will contact the parties concerned in an effort to reach an amicable solution to the complaint and aims to do this within 10 working days of receipt of the complaint.
5. A copy of the written complaint will be circulated by the Clerk to all members of the Town Council and to the subject of the complaint.
6. If an amicable solution cannot be reached by the above means, a Complaints Panel, comprising of the Mayor plus three members of the Town Council, will be established and convened as soon as reasonably practicable. This will be handled by the Mayor.
7. The Complaints Panel will meet on a date and time and at a place to be determined by the Mayor, in consultation with the Clerk, providing that none of them are subject to complaint. The quorum for the meeting will be three.
8. If possible, the complaint will be dealt with by way of consideration of written representations received no later than 15 working days of receipt of the complaint.
9. If this is not possible, both parties to the complaint will be invited to attend in person and they may be accompanied by an advisor/representative.
10. Where the complaint is heard in person rather than by written representations the following procedure will apply:-
 - The Mayor will invite the complainant to state in full the details of the complaint.
 - The subject of the complaint will be invited to question the complainant.
 - The members of the Complaints Panel will be allowed to question the complainant.
 - The subject will be invited to answer the complaint.
 - The complainant will be invited to question the subject.
 - The members of the Complaints Panel will be allowed to question the subject.
 - The complainant will sum up.
 - The subject of the complaint will sum up.
 - The complainant and the subject will withdraw.
 - The Complaints Panel will consider the evidence and come to decision in respect of the complaint.
 - Where the complaint is upheld in full or in part the Complaints Panel will recommend a remedy to the complaint.
 - The complainant and the subject of the complaint will be invited back into the meeting and advised of the decision and a written copy provided within 5 working days.(or where it is not practicable to provide a decision at the end of the meeting, within 5 working days in writing)

The Complaints Panel shall forward details of any complaint the manner in which it has been dealt with and the conclusion reached, via the Clerk, for report to the next full meeting of the Town Council.

The Complaints Panel shall, at its absolute discretion, deal with any matters not specifically covered by the procedure, but relevant to its role.