

Witham Town Council: Public Complaints Procedure

Policy Overview

This policy sets out the details of Witham Town Council's Comments, Compliments and Complaints Policy. The Council hopes that the majority of comments, compliments and complaints will be dealt with informally to the satisfaction of the resident when the issue is first raised with the Council. Should the resident remain dissatisfied, the policy set out in this document provides an opportunity for any complaint to be addressed. The Council is committed to continually improving the way it provides residents with access to services and the quality of those services. This policy covers all the services delivered by the Council or for which it has responsibility.

A clear and accessible Public Complaints process assists the Council in demonstrating its commitment to transparency and accountability.

This policy is designed to ensure that:-

- **Providing feedback to the Council is made as easy as possible**
- **Feedback is dealt with promptly and efficiently**
- **Every effort is made to resolve any complaints that are received**
- **The Council learns from all feedback received taking appropriate steps to improve service provision**

This Policy applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

This Complaints Procedure does not apply to:

- **Complaints by one council employee against another council employee,**
- **Complaints by a council employee and the council as employer.**

These matters are dealt with under the council's disciplinary and grievance procedures

- **Complaints against councillors.**

These are covered by the Code of Conduct for Members underpinned by the Localism Act 2011 and renewed at each Annual Meeting of the Council. Complaints under the code of Conduct must be submitted to the Monitoring Officer of Braintree District Council, who will decide if further action is necessary. The contact details are set out below.

- **Allegations of financial irregularity.**

Local electors may object to the Council's Annual Accounts under Section 16, Audit Commission Act 1998. On other matters, the Council may need to consult its internal auditor or the Audit Commission.

- **Criminal Activity.**

All criminal matters should be raised with Essex Police

Definitions

For the purpose of this policy the following definitions will be used –

- A compliment is an expression of satisfaction from a resident concerning a function or service provided by the Council
- A comment is a view that the resident may have about a service that is provided by the Council or an initial request for a service
- A complaint is an expression of dissatisfaction with the standard of a service that is provided by the Council. This may include the action, or lack of action, taken by the Council and/or the way in which the service has been provided, including the conduct of staff.

Where a resident considers that the service they have received is below what they would expect, this should be considered a complaint. It is important that it is investigated and a full answer given to the resident and that there is some learning from any mistakes made.

Where there are comments or observations from residents, these can also help to improve service provision and these will always be considered by the Council but not treated as a complaint.

The distinction between a comment and a complaint can sometimes be difficult to decide. Where there is any doubt the Council will tend to treat it as a complaint.

The Council also welcomes feedback and compliments. This is important to identify areas of good practice and to understand the services that residents really value.

A resident may provide feedback either –

- In person
- By telephone
- In writing
- By email or social media channels

The contact details are set out below.

Complaints must be made within a reasonable time scale. Although the circumstances of the case will be taken into account, including the reason for the delay, complaints must be made within 3 months from the date on which there was sufficient information to do so, and no later than 12 months from the act, decision etc. complained of. The Council will respond to residents using the same method of contact unless expressly asked otherwise. For example, if contacted by email, then all further correspondence will be by email.

Residents are encouraged to put their complaints in writing to give as much information as possible to aid investigation. If they are making a verbal complaint contact details should be provided and confirmation that they wish the complaint to be investigated and how to contact them in future.

Recording comments, compliments and complaints

The Town Clerk is responsible for the Council's comments, compliments and complaints procedure. All staff are aware of the importance of recognising what compliments and complaints are and that they are dealt with appropriately. All compliments and complaints will be recorded and dealt with within the agreed timescale. This allows

the Council to consider feedback, learn from mistakes and to identify improvements and training needs.

Exceptions

The exceptions are as detailed below –

- Reporting faults or defects for immediate action (e.g. street lights not working)
- Enquiries received due to unplanned events (e.g. severe weather)
- Disagreement with Council policy. ~~This will be responded to as a comment.~~
- Legal disputes which, in the opinion of the Council, it is not appropriate to be dealt with in accordance with this policy
- Matters which are the responsibility of another authority e.g. Essex County Council. For these types of enquiries, the Council will provide the resident with contact details for the correct organisation or service.

Making Your Complaint to the Town Clerk

Wherever possible, the Town Clerk will try to resolve your complaint immediately. If this is not possible, you will be asked to put it in writing and the Town Clerk will normally try to acknowledge your complaint within **five working days**. The Town Clerk will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take because of your complaint. (In exceptional cases, the twenty working days timescale may have to be extended. If it is, you will be informed.)

Other Avenues of Complaint

If you do not wish to report your complaint to the Town Clerk, as it may concern that officer directly or if you are dissatisfied with the Town Clerk's response to your complaint, you may make your complaint directly to the complaints panel.

Investigation

If your complaint cannot be resolved immediately, the Town Clerk or the Council will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council and usually 40 working days you will be notified in writing of the outcome of the review of your original complaint.

If it appears to the Town Clerk that a complaint is:

- trivial,
- vexatious,
- repetitive or
- frivolous

It shall be notified to the Complaints Panel with a recommendation that no further correspondence related to it be entered into by members or officers.

Confidentiality

Any comment, compliment or complaint will be dealt with in accordance with the requirements of statutory data protection regulations and Schedule 12A of the Local Government Act 1972.

Monitoring

The Clerk will ensure that the outcome of all feedback is used to identify trends and to use them for discussion at team meetings and for staff development.

Remedies

Where a complaint investigation identifies that things have gone wrong an appropriate remedy will be determined. Appropriate remedies could include

- An apology
- An explanation of what went wrong
- Actions to put things right
- Some form of compensation to the resident

Persistent/vexatious complaints

On occasions certain complaints can be difficult to resolve and can cause anxiety and distress to both residents and Council employees. Whilst the aim of the Council is always to try to find a way to resolve matters, on occasions, residents are encountered who become unreasonable, persistent or vexatious in their actions to obtain the outcome that they want. Anonymous complaints will not be entertained.

Every effort will be taken to resolve complaints but the Council will ensure that residents who are persistent or vexatious are dealt with fairly but also that the Council's resources are used as effectively as possible and that other residents or Council employees do not suffer any detriment because of their behaviour.

Relationship with Disciplinary Procedure

The complaint procedure is distinct from the Council's disciplinary procedure for employees. If the nature of the complaint is such that disciplinary action is required, the Town Clerk will decide whether the disciplinary procedures should be applied. Neither the Chairman nor Council will have the right to challenge the Town Clerk's decision.

Whistleblowing

Whistleblowing matters are explained in the Town Council's Whistleblowing policy.

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**Adopted by Policy & Resources Committee 14th
June 2021 (Minute 7)**

Review Date: June 2022

Policy NO WTC/023