



2017

SHAFTESBURY TOWN COUNCIL

Comments, Compliments, Complaints Protocol



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draft

1/31/2017

Comments, Compliments, Complaints Protocol

1 Introduction

As the layer of local government closest to the communities we represent Shaftesbury Town Council wants to make sure that the services we provide meet your needs and reflect your views wherever possible.

We believe in constantly improving our services, so if you have a comment, compliment or a complaint we would like you to tell us.

Any comment, good or bad, helps us to understand what people do and don't like about our services, and the things we need to do better in the future. We receive letters of appreciation and suggestions as well as complaints. Don't wait until you have a complaint to get in touch – if you can suggest how we can do things better, please contact us.

Our contact details are:

Town Hall, High St, Shaftesbury SP7 8LY

Tel: 01747 852420

Email: enquiries@shaftesbury-tc.gov.uk

Website: www.shaftesbury-tc.gov.uk

The best way is to talk to people who provide the service. It is helpful if you can write down your suggestions – if you wish, a member of staff can help you to do this. If you prefer, you can ask a friend or relative to speak on your behalf, or ask another organisation, such as your local Citizens Advice Bureau to assist you.

3 Making a Compliment

If you wish to compliment Shaftesbury Town Council just call in to the Town Hall reception or ring, email or write a letter addressed to the Town Clerk or Mayor who will ensure that your compliments are recorded and passed on. Compliments are very important to us and we very much appreciate being informed by residents and visitors alike that we are doing things right. We would like the opportunity to thank you for your compliments and encourage you to include a contact address so that we can send you an acknowledgement.

4 Making a Complaint

If something does go wrong we need to be able to put it right quickly, and take action to ensure that it doesn't happen again. It is helpful if you can say what solution you are looking for. Our staff will listen carefully to what you say and try to settle your complaint in a fair, prompt and polite way.

Please note that Town/Parish councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred.

Shaftesbury Town Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

5 Information for the Complainant

5.1 When Can a Complaint be Made?

It is far easier to find out what happened and put things right if a complaint is received close to the time the dissatisfaction with the service occurred. As time passes it becomes more difficult to investigate events fully and fairly. Therefore, the council will normally only accept complaints made within three months of the incident or circumstances that led to the complaint being made.

5.2 What is not a complaint?

- The first request for action or a service
- A Freedom of Information request
- A claim or a contractual dispute with the council
- Complaints relating to the services of another Council or organisation
- Complaints about Councillors; these are referred to the Monitoring Officer
- Dissatisfaction of a decision of the Council
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans.
- Concerns regarding matters which are the responsibility of another body

i. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

ii. This complaints procedure is not a means of redress for its elected members or staff. Members and staff are expected to work together professionally even if they hold differences of opinion and views.

iii. If an employee has a complaint about the workplace, they may raise this in accordance with the council's internal grievance procedure.

iv. Members are free to raise matters of concern in respect of council business by the submission of motion(s) on the agenda for relevant meeting(s) where the issue can be formally considered and resolved. Alternatively if a member has concerns about the conduct of a member of staff, he should notify the Town Clerk or Chairman of the Human Resources Committee who are responsible for deciding whether the member's concerns raise disciplinary issues to be dealt with in accordance with the council's disciplinary procedure.

5.3 When is a local council's complaints procedure not appropriate?

i. Other bodies have responsibility for certain types of complaint. These are summarised below.

Type of conduct	Refer to
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	The police.
Members' conduct alleged to breach the code of conduct adopted by the council.	The district or the unitary council is responsible for handling complaints that relate to a member's failure to comply with the council's code of conduct.

5.4 Confidentiality: Data protection - Recording of Complaints

- i. Your complaint and details will be treated confidentially.
- ii. The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.
- iii. The council will not disclose the identity, contact details or other personal data about an individual complainant unless he consents or disclosure is otherwise fair and lawful e.g. for the purpose of discharging the council's functions, or for the performance of contractual obligations.
- iv. The meeting of a relevant committee, sub-committee or panel considering the complaint or inviting you to make representations will need to exclude the public. This does not preclude the committee or subcommittee from inviting you as the complainant to speak at a meeting or requesting the attendance of the town clerk (or other nominated officer) to represent the position of the council.

5.5 Complaints about elected members

- i. For complaints about Councillors, the complainant is welcome and encouraged to contact the Town Clerk or the Mayor as Chairman of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Members Code of Conduct.
- ii. If following informal discussion you are still unhappy about the way a town councillor - or 'elected member' - has behaved you can complain to the North Dorset Council Standards Committee via the Monitoring Officer. The Standards Committee can deal only with complaints about the behaviour of an elected member. It will not deal with complaints about things that are not covered by the Members' Code of Conduct. If you make a complaint to the Committee it must be about why you think a member has not followed the Code of Conduct. Your complaint must be in writing, which includes e-mail, fax or on paper. If a disability prevents you from making your complaint in writing you may contact North Dorset Council customer services team for assistance.

Complaints regarding Town Councillors should be sent to:

The Monitoring Officer, North Dorset District Council, Nordon, Salisbury Rd,
Blandford Forum Dorset, DT11 7LL

5.6 Complaints about a Council employee

- i. Council officers are responsible in law for advising the council, and taking action on the decisions of the council. Officers have no part in the decision making process.
- ii. A complaint against the council that involves a complaint about the conduct of its employees will be handled in accordance with our complaints procedure. If, following the outcome of the complaint, the council decides that there may be a need to take disciplinary action this will be in accordance with our internal disciplinary and capability procedures.

6 Procedure

- i. This is a three stage procedure, and it can be used for most concerns you wish to raise.
- ii. All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.
- iii. If you want someone else, for example a friend, relative or representative, to complain to us on your behalf, we will work with them to resolve your complaint. However, we will always need to have evidence that you have given your permission for someone else to complain on your behalf.

NOTE:

- iv. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the Human Resources Committee who will undertake the same procedures as specified in this document.

(In this case, the Chairman of the Human Resources Committee could seek external consultant's advice at their own discretion).

6.1 Stage 1 - Informal Complaints

- i. During the course of daily business, minor complaints may be made to officers about the services we provide. These will usually be dealt with by the relevant officer 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.
- ii. If you would like to talk through your issue, then please contact the Town Clerk by visiting our office in the Town Hall, email, write or telephone.
- iii. If this does not resolve your issue and you would like to make a formal complaint, see Stage 2 below for how to do this.

6.2 Stage 2 – Formal Complaint

- i. If after receiving the response at Stage 1, you are still not satisfied, or wish to make a formal complaint directly you can escalate the matter to Stage 2 - Formal Complaint.
- ii. A Formal Complaint with the Council should be submitted in writing (letter or e-mail) to the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the Human Resources Committee.

- iii. If you prefer, you can ask a friend or relative to write on your behalf.
- iv. The letter or e-mail must state that a Formal Complaint is being made and include the following information:
- Name, address, and telephone number of the complainant
 - Who is the complaint about or the full nature of what the complaint is about
 - How the issue has affected the complainant
 - Copies of any relevant documents
 - Details of third parties and their involvement
 - What action the complainant believes might resolve the complaint
- v. The timescale for responding to Stage 2 is 30 working days. If the Town Clerk or other delegated investigating officer requires more time, you will be contacted and advised of when you can expect a response and the reasons for the delay.
- vi. We understand that you want your complaint resolved and we want to ensure you get a response as soon as possible. However to ensure all elements of your complaint are considered, we have to ensure that a thorough investigation is undertaken, that all information has been provided to us and that any legal requirement has been looked at. Only then can we produce a comprehensive and considered report for you.
- vii. In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant.
- viii. The Town Clerk will determine the complaint and if upheld will authorise any relevant remedial action needed, including any change to procedure, or reject the complaint completely.

6.3 Stage 3 Appeal to Complaints Panel

- i. If you remain unhappy with the council's response at the end of Stage 2, you can request in writing that the Town Council's Complaints Panel is convened and consider the complaint.
- ii. On receipt of the request for referral of the complaint to the Complaints Panel, the Town Clerk will acknowledge the letter and advise that the Complaints Panel will call a meeting to discuss the complaint within 21 days of receipt of the letter.
- iii. The Complaints Panel is appointed by the Human Resources Committee of the Town Council. Staff or members previously involved in the original decision will not participate in the determination of an appeal.
- iv. The complainant will be notified of the date of the meeting and asked for their comments, evidence and documentation in writing prior to the meeting. They or their representative will be able to address the Panel however must leave the room whilst the Panel considers the complaint and its decision and response. The Panel must establish at its meeting whether there is a factual basis to the complaint and, if so, what action should then be taken.

- v. Once a decision has been made the complainant will be advised of the recommendations of the Panel in writing within 7 days.
- vi. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The complainant will be advised in writing of this delay.

7 Appeals

- i. No appeal will be considered in relation to the operation of this Protocol and there is no further appeal about the complaint once dealt with by the Complaints Panel to any other Panel, Sub Committee or Committee, or to the Town Council. Any rights or protection under statute are not affected by this.

8 Unreasonable and Vexatious Complaints

- i. 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.
- ii. These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Clerk 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.

9 Anonymous Complaints / Whistleblowing

- i. Anonymous complaints should be referred to the Town Clerk, and may be acted on at their discretion, according to the type and seriousness of the allegation.

ii. Complaints that count as whistleblowing

As an employee of Shaftesbury Town Council you're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

iii. Complaints that don't count as whistleblowing

- Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.
 - Report these under the town Council's employees grievance policy.
- iv. For further information refer to the Town Council Whistleblowing Policy.

10 Resolution and Remedies

- i. 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.
- ii. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy. Any remedy or compensation is made without prejudice and should not be taken as admission of legal liability.

11 Equality and diversity complaints (including complaints relating to allegations of discrimination or discriminatory behaviour)

- i. If in receiving a service from us, you feel you have experienced any form of unlawful discrimination or unfair treatment on the grounds of your race, gender, disability, sexuality, faith/belief or age you can make a complaint using the corporate complaints procedure, unless it is a complaint that should be dealt with through a statutory procedure.

In these cases we will put your complaint straight through to Stage 2 of the corporate complaints procedure.

- ii. If the complaint relates to staff conduct and behaviour the Town Clerk will consider the details of the complaint and decide what the most appropriate way to investigate the complaint.

12 Accessibility

- i. Please let us know if you need this information in a different format or language