



# WINCANTON TOWN COUNCIL

## COMPLIMENTS, COMPLAINTS AND COMMENTS POLICY

### 1. INTRODUCTION

Wincanton Town Council wants to make sure that the services we provide meet your needs and reflect your views wherever possible. We are constantly improving our services, so if you have a comment, compliment or a complaint we would like to hear from you.

Any comment, good or bad, will help us understand what people do and don't like about our services, and the things we need to improve in the future. We receive letters of appreciation and suggestions as well as complaints. If you can suggest how we can do things better, please contact us.

Our contact details are:

Wincanton Town Council, Town Hall, Market Place, Wincanton, Somerset BA9 9LD.

Telephone: 01963 31693

Email: [info@wincantontowncouncil.co.uk](mailto:info@wincantontowncouncil.co.uk)

Website: [www.wincantontowncouncil.co.uk](http://www.wincantontowncouncil.co.uk)

### 2. MAKING A COMPLIMENT

If you wish to compliment Wincanton Town Council just call into the Town Hall office or ring, email or write a letter addressed to the Town Clerk or Mayor who ensure that your compliments are recorded and passed on. Compliments are very important to us and we appreciate being informed by residents and visitors alike that we are doing things right. We would like to take this opportunity to thank you for your compliments.

### 3. MAKING A COMPLAINT

If something does go wrong, we need to be able to put it right and take action to ensure that it doesn't happen again. It is helpful if you 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 not provisions for another body to which complaints can be referred.

Wincanton 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.

#### 4. INFORMATION FOR THE COMPLAINANT

##### 4.1 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. A 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.

##### 4.2 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 application and local plans
  - Concerns regarding matters which are the responsibility of another body
- a. The appropriate time for influencing Council decision-making is by raising concerns before the Council debated 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.
- b. 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.
- c. If an employee has a complaint about the workplace, they may raise this in accordance with relevant policies.
- d. 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 where the issue can be formally considered and resolved. Alternatively, if a member has concerns about the conduct of a member of staff, they should notify the Town Clerk or Chairman of the Personnel 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.

##### 4.3 When is a local Council's complaints procedure not appropriate?

- a. 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 | South Somerset District Council is responsible for handling complaints that relate to a member's failure to comply with the Council's Code of Conduct |

#### **4.4 Confidentiality: Data Protection – Recording of Complaints**

- a. Your complaint and details will be treated confidentially.
- b. The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 200 must be borne in mind in dealing with all complaints.
- c. The Council will not disclose the identity, contact details or other personal data about an individual complainant unless they consent 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.
- d. The meeting of a relevant committee or panel considering the complaint or inviting you to make representing will need to exclude the public. This does not preclude the committee 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.

#### **4.5 Complaints about elected members**

- a. For complaints about Councillors, the complainant is welcome and encouraged to contact the Town Clerk to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are requested to observe and act with the parameters of the Members' Code of Conduct.
- b. If following information discussion you are still unhappy about the way a Town Councillor – or 'elected member' – has behaved you can complain to South Somerset 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 or on paper. If a disability prevents you from making your complain in writing you may contact South Somerset District Council services team for their assistance.
- c. Complaints regarding Town Councillors should be sent to:  
The Monitoring Officer, South Somerset District Council, Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT.

#### **4.6 Complaints about a Council employee**

- a. 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.
- b. A complaint against the Council that involve 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 decided that there may be a need to take disciplinary action this will be in accordance with the council disciplinary procedures.

### **5 COMPLAINTS PROCEDURE**

- a. This is a three stage procedure, and it can be used for most concerns you wish to raise.
- b. All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.
- c. 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 some else to complain on your behalf.

#### **NOTE**

- d. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of Council who will undertake the same procedures as specified in this

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

### **5.1 Stage One – Informal Complaints**

- a. 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.
- b. If you would like to talk through your issue, then please contact the Town Clerk by visiting our office in the Town Hall, telephone, email or write.
- c. If this does not resolve your issue and you would like to make a formal complaint, see Stage Two below for how to do this.

### **5.2 Stage Two – Formal Complaints**

- a. If after receiving the response at Stage One, you are still not satisfied, or wish to make a formal complaint directly, you can escalate the matter to Stage Two – Formal Complaint.
- b. A Formal Complaint with the Council should be submitted in writing (letter or email) to the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be sent to the Chairman of the Council.
- c. If you prefer, you can ask a friend or relative to write on your behalf.
- d. The letter or email must state that a Formal Complaint is being made and include the following information:
  - Name, address and telephone number of the complainant
  - Who the complaint is about or the full nature of what the complaint is about
  - How the issue has affected the complainant
  - Copies of any relevant documentation
  - Details of third parties and their involvement
  - What action the complainant believes might resolve the complaint
- e. The timescale for responding to Stage Two 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.
- f. 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 thorough investigation is undertaken, that all information has been provided to use and that any legal requirement has been looked at. Only then can we produce a comprehensive and considered report to you.
- g. In the event of a 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.
- h. 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.

### **5.3 Stage Three – Appeal to Complaints Panel**

- a. If you remain unhappy with the Council's response at the end of Stage Two, you can request in writing that the Town Council's Complaints Panel is convened and consider the complaint.
- b. On receipt of the request to be re-considered, the Town Clerk will acknowledge the letter and advise the Complaints Panel will call a meeting to discuss the complaint within 21 days of receipt of the letter.

- c. The Complaints Panel is appointed by the Personnel Committee of the Town Council. Staff or members previously involved in the original decision will not participate in the determination of an appeal.
- d. 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 Complaints Panel, however, must leave the room whilst the Complaints Panel considers the complaint and its decision and response. The Complaints Panel must establish at its meeting whether there is a factual basis to the complaint, and if so, what action should be taken.
- e. Once a decision has been made the complainant will be advised of the recommendations of the Complaints Panel in writing within 7 days.
- f. 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.

## **6. APPEALS**

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 of protection under statute are not affected by this.

## **7. UNREASONABLE AND VEXATIOUS COMPLAINTS**

- a. 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 when some other process, whether through the courts or some other recognised procedure, should or has been taken.
- b. 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.

## **8. RESOLUTION AND REMEDIES**

- a. The aim of dealing with all complaints is to reach a solution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not.
- b. 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.

## **9. EQUALITY AND DIVERSITY COMPLAINTS (INCLUDING COMPLAINTS RELATING TO ALLEGATIONS OF DISCRIMINATION OR DISCRIMINATORY BEHAVIOUR)**

- a. If in receiving a service from us, you may feel you have experienced any form of unlawful discrimination or unfair treatment on the grounds of any protected characteristics as define in the Equality act 2010, which includes your race, gender, disability, sexuality, faith/belief or age you can make a complaint using the corporate complaints procedure, unless it is a complain that should be dealt with through a statutory procedure. In these cases, we will put your complaint straight through to Stage Two of the corporate complaints procedure.
- b. 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.

## **10. ACCESSIBILITY**

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

This policy will be reviewed on a regular basis as part of Wincanton Town Council's continuing review of its Policy Documents. Recommendations for change will be reported by the Town Clerk to the Town Council, and any changes to the Policy will be brought to the attention of all employees.

Adopted at the Full Council Meeting on 24<sup>th</sup> August 2020      Minute 0087

Review Date February 2021 (if required) or August 2021