

WARE TOWN COUNCIL

COMPLAINTS PROCEDURE

Reviewed by	Ware Town Council	Date:	12.03.18
To be reviewed by	One year after last review		

Complaints Procedure

1. THE IMPORTANCE OF COMPLAINTS

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

2. DEFINITION OF A COMPLAINT

- 2.1 A complaint is *any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers.*

2.2 What the complaints procedure will deal with:-

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- failure to tell people their rights
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 What the complaints procedure will not deal with:-

- complaints for which there is a legal remedy or where legal proceedings already exist.
- Complaints about employment matters – the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

3. EQUAL OPPORTUNITIES

- 3.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 3.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. COMPLAINTS OFFICER

- 4.1 The Complaints Officer for the Town Council is the Finance and Administration Manager. His/her main duties are:
- (i) The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
 - (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
 - (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
 - (iv) To identify improvement points arising from any complaints.
 - (v) To identify staff training issues.
- 4.2 Certain types of complaint should be referred directly to the Town Clerk or the Monitoring Officer (East Herts District Council) as statutory officers. Those to be dealt with by the Town Clerk will include complaints about the Finance and Administration Manager and those to be dealt with by the Monitoring Officer will be complaints about individual Councillors. Those to be dealt with by Councillors' Panel (see 5.6) will be complaints about the Town Clerk.

5. STAGES OF THE PROCEDURE

- 5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

It is vital, however, that the Town Clerk remains clear of the process, until required at any second stage to ensure that his/her contribution is completely independent.

5.2 Everyday problems, queries and comments

The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

5.3 **Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the Finance and Administration Manager or Facilities Manager 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.

5.4 **Formal Complaint (First Stage)**

A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the appropriate officer to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further. This will be referral to the Town Clerk for a review of the investigation (i.e. the second stage of the procedure).

Time scales

Acknowledgement – by return of post (first class)

Investigation completed – 14 days

or Progress Reports Issued – 14 day intervals

Investigating Officer: Finance and Administration Manager

5.5 **Review of Investigation and Complaint (Second Stage)**

If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Town Clerk who will review the complaint.

Time scales

Response by the Town Clerk – 14 days

Panel (if thought necessary) – Convened within 14 days

Review completed – 14 days thereafter

Investigating Officer: Town Clerk

5.6 **Councillors' Panel**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to a Panel consisting of the Mayor and two other councillors.

5.7 **Unreasonable and Vexatious Complaints**

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.

These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. He/she 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.

5.8 **Anonymous Complaints**

Anonymous complaints should be referred to the Town Clerk, and may be acted on at his/her discretion, according to the type and seriousness of the allegation.

6. **RESOLUTION AND REMEDIES**

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. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Town Clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

7. **CONTACTS**

The Town Council

Complaints Officer
Sean Higgins, Finance & Administration Manager
Ware Town Council
The Prioory
High Street
Ware. SG12 9AL

Tel: 01920 460316
Email: sean@waretowncouncil.gov.uk

Town Clerk .Jill Rowlinson

Ware Town Council
The Priory
High Street
Ware. SG12 9AL

Tel: 01920 460316
Email: townclerk@waretowncouncil.gov.uk

For advice and support about discrimination and human rights:

If you need expert information, advice and support on discrimination and human rights issues and the applicable law, especially if you need more help than advice agencies and other local organisations can provide, please contact the [Equality Advisory and Support Service \(EASS\)](#).

EASS was commissioned by Government in 2012 to replace the EHRC Helpline, which is now closed. EASS is completely independent of the Commission.

Contact details for the EASS are as follows:

Phone: 0808 800 0082
Textphone: 0808 800 0084

Website: <http://www.equalityadvisoryservice.com/>

Post: FREEPOST EASS HELPLINE FPN6521

Opening hours: 09:00 to 19:00 Monday to Friday
10:00 to 14:00 Saturday
Closed on Sundays and Bank Holidays

For information about the Equality and Human Rights Commission and our work:

If you would like to find out more about our role and work please view our [website](#) or contact us:

by email:

- for enquiries relating to England [contact via website](#)
- for enquiries relating to Scotland, scotland@equalityhumanrights.com
- for enquiries relating to Wales, wales@equalityhumanrights.com

by post:

- for enquiries relating to England: Correspondence Unit, Arndale House, The Arndale Centre, Manchester M4 3AQ

- or for enquiries relating to Scotland: EHRC, 151 West George Street, Glasgow G2 2JJ
- or for enquiries relating to Wales EHRC, 1 Caspian Point, Caspian Way, Cardiff Bay CF10 4DQ

To make a Freedom of Information request:

If you want to make a [Freedom of Information](#) request to the Commission, please read our information on how to go about it