



Seaton Town Council

Complaints Policy

1.0 Introduction

- 1.1 Seaton Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
- 1.2 Complaints received from members of the public about the administration or procedures of Seaton Town Council are not subject to the jurisdiction of the Local Government Ombudsman. There are few remedies available in this regard outside of the four-yearly elections to the Town Council. The Government has taken the view that town and parish councils are accountable to their electorate principally through the ballot box.
- 1.3 However, for the transparency in local government and for the benefit of good local administration, Seaton Town Council has adopted a formal procedure for considering complaints.
- 1.4 It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement.
- 1.5 The Town Council's Complaints Policy applies to the following three areas of complaint: -
1. Complaints about a Town Council service or function
 2. Complaints about a member of staff
 3. Complaints about a Town Councillor
- 1.6 In addition every elector has the right to raise any matter affecting parish business at the annual parish meeting. Member of the public are also able to come along and ask questions or raise issues in Public Question Time at the start of Council and Committee meetings (please refer to the agenda).
- 1.7 Also, where electors consider there has been a possible waste or inefficiency or think that their council has spent money unlawfully, they can refer a complaint to their local district auditor.

2.0 Definition of a complaint

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

3.0 What the Complaints Procedure will deal with: -

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- Failure to provide advice or information when reasonably requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

4.0 What the complaints procedure will not deal with

- Complaints for which there is a legal remedy or where legal proceedings already exists
- Complaints about employment matters, these will be dealt with by the Town Council's internal grievance procedure.
- Complaints about an incident or matter which took place longer than 12 months ago.

5.0 This Complaints Procedure does not apply to:

- Complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
- Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 8th May 2017 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer at East Devon District Council for investigation. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer at East Devon District Council

6.0 Equal Opportunities

6.1 The Town Council is committed to equal opportunities. Complaints/feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

6.2 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.

7.0 Stages of the Procedure

7.1 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.

8.0 Informal Complaints

8.1 During the course of daily business, minor complaints are made to officers regarding the service we provide. The appropriate officer or Town Clerk will usually deal with these. It is not appropriate for every comment received 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.

9.0 Procedure to follow for Handling Formal Complaints

Stage 1

- 9.1 A complainant may notify a complaint orally to a Councillor or the Town Clerk (as the Proper Officer of the Council), This will be recorded as a complaint and passed to the appropriate officer to investigate.
- 9.2 If the complainant remains unsatisfied with the response they shall be requested to put his/her complaint in writing to the Town Clerk. An acknowledgement will be sent within 2 working days
- 9.3 If a complainant indicates that he/she would prefer not to put the complaint to the Town Clerk then he/she should be advised to put it to the Chairman of the Council (The Mayor). An acknowledgement will be sent within 2 working days.

Stage 2

- 9.4 The Town Clerk or the Chairman of the Council, shall try to settle the complaint directly with the complainant within 14 working days of receipt of complaint, but shall not do so without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.
- 9.5 If the investigation of the complaint is likely to take more than 14 working days, the complainant will be notified together with a reason for the extended investigation period.
- 9.6 Where the Town Clerk receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Mayor as Chairman of the Council.

Stage 3

- 9.7 The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved, the complainant has the right to request, within 28 working days, that the matter should be referred to
 - a) The Committee responsible for the service or function
 - b) The Personnel Committee in the case of a member of staff
- 9.8 A decision made by (a) or (b) shall be considered final and the complaint will be considered closed.
- 9.9 If the complainant does not respond within 28 working days, the complaint may be considered closed.

Stage 4

- 9.10 If the Complainant responds and requests the matter to be referred to the relevant committee or the Personnel Committee, or the Mayor, as detailed above, the Town Clerk shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and the public. If the matter is such that the Town Council or the Town Clerk believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded.
- 9.11 If the complaint is against any employee, even if the matter is being dealt with initially out of the context of the formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The

proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

- 9.12 If the complaint is against any elected member, which cannot be resolved at a local level, this will be referred to the Monitoring Officer at East Devon District Council.

Stage 5

- 9.13 The Complainant will be notified, in writing, of the final decision within 14 working days of the meeting.

10.0 Unreasonable and Vexatious Complaints

- 10.1 In the event of serial facetious, vexatious or malicious complaints from a member of the public the council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided, it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint as to justify consideration as a new complaint.

11.0 Anonymous Complaints

- 11.1 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.