

LYMINGTON AND PENNINGTON TOWN COUNCIL

COMPLAINTS POLICY AND PROCEDURE

1. Introduction

There are no statutory mechanisms in place should complaints be made against local councils in England. This document is intended to assist the council to deal with complaints they receive and includes a complaints procedure. It will not be appropriate to deal with all complaints from members of the public under a complaints procedure.

Type of conduct	Refer to
Financial irregularity	Local elector's statutory right to object Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, councils may need to consult their auditor / Audit Commission
Criminal activity	The Police
Member conduct	In England a complaint relating to a member's failure to comply with the Code of Conduct must be submitted to the standards committee of the relevant principal authority. In Wales, any complaint about member conduct should be made to the Public Services Ombudsman.
Employee conduct	Internal disciplinary procedure

Definition

The first task is to determine exactly what a complaint is. Sometimes the word 'complaint' is used by members of the public but sometimes it is not. The Local Government Ombudsman offers the following definition of a complaint:

'A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.'

2. Confidentiality

The identity of a complainant should only be made known to those who need to consider a complaint.

3 Stages

Most complaints can be dealt with by the Town Clerk and front line staff. The Town Clerk will use his/her judgement in the first instance. If the complaint is more complex, is an appeal regarding the initial findings of a complaint or is about the Town Clerk, a Complaint Committee can be formed.

The Complaints Committee should be made up of three Councillors appointed by the Council one of whom shall be appointed chairman by the Council.

It may be that the clerk (or other nominated officer) at the meeting represents the position of the council. If the clerk (or other nominated officer) puts forward justification for the action or procedure complained of, he or she should not advise the council or committee, as they need to determine the matter themselves.

3. Persistent/Vexatious Complainants

In a minority of cases people can pursue their complaints in a way which either impedes the looking into a complaint or has significant resource issues for the Council. This Council defines persistent complainants as “those complainants who because of the frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council”.

It is important to differentiate between complainants who pursue their complaints with vigour and those who act unreasonably.

Examples of what could be defined as persistent, vexatious or unreasonable are:

- Refusing to specify the complaint despite offers by the Council to help;
- Refusing to co-operate with the investigation while expecting the complaint to be resolved;
- Refusing to accept the complaint cannot be resolved by the complaints procedure despite being provided with information on this;
- Making groundless complaints about individuals;
- Adopting a ‘scattergun’ approach ie either submitting a complaint to a number of different people at the Council or pursuing a complaint with the Council while asking others (MPs, Standards Committee, Police, Courts etc) to do the same;
- Making excessive demands on the time and resources of employees while a complaint is being investigated ie phoning or emailing daily, or consistently writing letters;
- Electronically recording conversations without prior knowledge of those present;
- Submitting repeat complaints on the same topic after the complaints process has been completed insisting there are ‘new’ complaints;
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.

All complaints will be investigated thoroughly and fully. However if a complainant is felt to be acting unreasonably the following procedure will then be followed.

Where the investigation is complete:

- The Town Clerk will discuss the matter with the Chairman of the Complaints Committee and if necessary the Council’s solicitors and will write to the complainant explaining why the decision has been taken

and stating no further correspondence will be undertaken on the complaint. All correspondence received will be read and placed on file.

- A copy of this procedure is to be enclosed.

Where the investigation is ongoing:

The Town Clerk will write to the complainant explaining why the decision has been taken:

- Explaining that contact with officers will be limited to once a week or other appropriate timescale; or
- Requiring any personal contacts to be in the presence of named witness(es); or
- Stating no further complaints on the same matter will be registered until the present complaint has been determined; or
- Stating the investigation has been terminated.

Any restrictions imposed under the above procedures will be kept under review (at least every 6 months) and be removed if the need for them no longer exists.

COMPLAINTS COMMITTEE PROCEDURE

Before the Meeting

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the Town Clerk or other nominated officer or if the complaint is against the Town Clerk, he or she should be advised to address it to the Mayor.
3. The Town Clerk or Mayor shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

6. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at a council meeting in public.

7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
9. The Town Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
10. The Town Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The Town Clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The Town Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.