

# Banbury Town Council

## 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 is 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
- failure to provide advice or information when reasonably requested
- 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.
- Complaints about third parties that do not relate to action or lack of action by the Town Council or its staff.
- Complaints about elected members – these are dealt with by the Monitoring Officer (Cherwell District Council)

### **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 Town Clerk. His 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.

### **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.

#### **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 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.

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 Town Clerk to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

***Timescales***

***Acknowledgement - by return of post***

***Investigation completed - 14 days***

***or Progress Reports Issued - 14 day intervals***

***Investigating Officer: Town Clerk***

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

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

***Timescales***

***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 Leader of the Council (or the Deputy Leader if the complaint refers to the Leader), a nominee of the Leader of the Council (or the Deputy Leader if the complaint refers to the Leader) and a nominee of the Leader of the Opposition. There will also be a note-taker, nominated by the panel, who will not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the panel will be reported to the Resources Committee.

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 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 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**

#### **Banbury Town Council**

The Town Clerk, email [town.clerk@banbury.gov.uk](mailto:town.clerk@banbury.gov.uk)

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