

TELSCOMBE TOWN COUNCIL



COMPLAINTS POLICY

1. Introduction

1.1 The Local Government Ombudsman has no jurisdiction over Parish, Town and Community Councils in England and Wales. The National Association of Local Councils (NALC) in Legal Topic Note 9 has issued guidance and an outline complaints procedure (December 2018) for local Councils. This Policy is based on that guidance.

2. Guidelines

2.1 It will not be appropriate to deal with all complaints from members of the public under this complaints procedure. Councils should consider engaging other procedures/bodies in respect of the following types of complaint:

Type of conduct	Refer to
Alleged financial irregularity	Local elector's statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998. On other matters, Councils may need to consult with their auditor / audit commission.
Alleged criminal activity	The Police
Members' conduct alleged to breach the Code of Conduct adopted by the Council	A complaint relating to a Councillor's failure to comply with the Code of Conduct must be submitted to Lewes District Council's Monitoring Officer
Employee conduct	Dealt with by internal disciplinary procedure

2.2 The code of practice that follows is therefore aimed at those situations where a complaint is made 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.

2.3 In the first instance it is generally in the interests of the complainant and the Council to try and resolve the matter informally through the normal channels of communication. This code of practice is designed for those complaints that cannot be satisfied by less formal measures.

3. The Code of Practice

3.1 The aims of the code of practice are:

- To provide a standard and formal procedure for considering complaints either made by complainants directly or which have been referred back to the Council from other bodies.

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- To ensure that complainants feel satisfied that their grievance has been properly and fully considered.
- To make the process reasonable, accessible and transparent.
- At all times, the rules of natural justice will apply and all parties shall be treated fairly.
- Complaints shall be heard by the Council's complaints panel, which shall consist of 3 Councillors from the Policy & Resources Committee, and shall report its findings to Council.

4. Complaints procedure

4.1 The complainant is required to put the complaint against the Council in writing to the Clerk at Telscombe Civic Centre, 360 South Coast Road, Telscombe Cliffs, E Sussex, BN10 7ES or email stella.newman@telscombetowncouncil.org.uk

4.2 If the complaint concerns the Clerk, the complaint should be addressed to the Chairman of the Policy & Resources Committee (P&R).

4.3 The Clerk/Chairman will acknowledge receipt of the complaint within 10 working days.

4.4 The complainant will be asked if they want the complaint to be treated confidentially. If the complainant waives confidentiality, the Council must comply with its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.

4.5 The complainant will be advised that the complaint will be investigated and relevant evidence collated by a panel of 3 members of the P&R Committee and the Clerk (unless the complaint concerns the Clerk).

4.6 Within 10 working days, if thought necessary, the complainant shall be invited to a meeting of the panel and can bring with them such representation as they wish.

4.7 The meeting will be arranged within 10 working days of the invitation letter.

4.8 Within 5 working days of the meeting the complainant shall provide the Clerk/Chairman of the P&R Committee with any new information or other evidence relevant to the complaint and the Clerk/P&R Chairman shall provide the complainant with new information or evidence relevant to the complaint.

5. Complaints Meeting

5.1 The Complaints Panel will appoint a Chairman from one of its members.

5.2 The Chairman of the panel will introduce everyone and explain how the meeting will proceed.

5.3 The complainant (or representative) will outline the grounds for complaint.

5.4 Panel members may ask questions of the complainant.

5.5 If relevant, the Clerk or Chairman of the panel, will explain the Council's position and questions may be asked by everyone present.

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5.6 The Chairman of the panel and the complainant will have the opportunity of summarising their respective positions.

5.7 The Chairman will inform the complainant that he/she will receive the decision and the panel's reasons, in writing, within five working days of the complaints meeting.

6. After the meeting

6.1 Decision confirmed in writing within 5 working days giving reasons for the decision, together with details of any action to be taken by the Council if appropriate. If the complainant is not happy with the decision they should be informed they have the right to appeal the decision in writing within 10 working days of the date of the decision letter.

7. Appeal Process

7.1 An appeal will be heard by an Appeal Panel consisting of three members of the P&R Committee who have not been involved in the case. The appeal panel will appoint a Chairman from one of its members.

7.2 Generally, within a reasonable period of time, e.g., 5 working days of receipt of a written appeal, the complainant shall be invited to a meeting of the panel and can bring with them such representation as they wish.

8. Appeal Meeting

8.1 The Chairman of the panel will introduce everyone and explain how the meeting will proceed.

8.2 The complainant (or representative) will outline the grounds for appealing against the decision of the Complaints Panel.

8.3 Panel members may ask questions of the complainant.

8.4 The Chairman will inform the complainant that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.

8.5 The Appeal Panel may decide to uphold the decision of the Complaints Panel or substitute its own decision.

8.6 The decision of the Appeal Panel is final.

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