



COMPLAINTS POLICY

Introduction

Complaints are valuable because they provide an opportunity to make amends if there has been an error and to ensure that the same mistake is not repeated.

Filey Town Council recognise that it is essential that all complaints should be dealt with positively and in a timely manner. The Council welcomes views from the public and is committed to making full use of information to continually improve its service provision.

Definition of a complaint

A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff, which affects the individual resident or group of residents.

What the complaints policy will deal with:

The complaints policy will deal with matters of maladministration, which is if the Council does something the wrong way, fails to do something it should do or does something that 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 reasonable requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, unprofessional practice or conduct

What the complaints policy will not deal with:

- Complaints for which there is a legal remedy or where legal proceedings already exist
- Complaints about members of staff and employment matters
- Complaints about a member of the Council
(the complainant will be supplied with the contact or website details of the Monitoring Officer at Scarborough Borough Council, who shall deal with any complaints regarding Councillors).

Equal Opportunities

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

Complaints by members of the public and/or harassment against the Council will be dealt with through this complaints policy unless it is a complaint that should be dealt with through a statutory procedure.

Stages of the procedure

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 councillors to work within.

- **Everyday problems, queries and comments**

The Council receives problems, queries 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 have received and wishes to take the matter further then the issue should be recognised as a complaint.

- **Informal Complaint**

During the course of daily business, minor complaints are made to councillors about the services the Council provides. The Town Clerk or in his/her absence the Deputy Town Clerk will usually deal with these. 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.

Complaints Procedure

Formal Complaint (Stage 1)

A customer or resident 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.

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 proper officer.
2. If the complainant does not wish to put the complaint to the Town Clerk or other proper officer, they may be advised to put it to the Chairman of the council.
3. The Town Clerk shall acknowledge the receipt of the complaint by return of post and advise the complainant within 14 days of acknowledgement of the decision and the nature of any action to be taken, which shall be communicated in writing to the complainant.

Review of Investigation and Complaint (Stage 2)

4. If the complainant is not satisfied with the Town Clerk's response, they should be advised of their right to have the complaint considered by the council or by the most appropriate/relevant committee.
5. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
6. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

At the meeting

7. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complainant shall be announced at the council meeting in public.
8. Chairman to introduce everyone.

9. Chairman to explain the procedure.
10. Complainant (or representative) to outline grounds for complaint.
11. Members to ask any question of the complainant.
12. If relevant, the Town Clerk or other proper officer to explain the council's position.
13. Members to ask any question of the Town Clerk or other proper officer.
14. Town Clerk or other proper officer and complainant to be offered the opportunity of the last word (in this order).
15. Town Clerk or other proper officer and complainant to 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 to be invited back).
16. Town Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made.

After the Meeting

17. Decision confirmed in writing within seven working days together with details of any action to be taken.

Resolution

The aim in dealing with all complaints is to reach a resolution for the complainant, whether it is the resolution 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 solution and measures to be taken in order that issues are not repeated.

Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to proceed 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. The Town Clerk, 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.

Freedom of Information requests are to be dealt with separately under the Town Council's Freedom of Information Policy and Publication Scheme.

Anonymous Complaints

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

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REVIEWED May 2021 NEXT REVIEW DATE

May 2022