



BRACKLEY TOWN COUNCIL

---

# Complaints Policy

BLANK

## **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 be dealt with positively. The Town Council is anxious to hear people's comments and 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 the 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.

## **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. Data Protection Act 2018**

- 4.1 The Data Protection Act 2018 must be complied with when dealing with a complaint and the complainant's personal details.
- 4.2 By making a formal complaint with the Town Council, individuals are deemed to be giving consent for their personal data to be used in accordance with the Data Protection Act 2018 and the Town Council's Information and Data Protection Policy.
- 4.3 Personal information provided will only be used for the purpose for which it has been given and may be shared with a third party if the Town Council deems that it will assist in resolving the issue raised.

#### **5. Complaints Officer**

- 5.1 The Complaints Officer for the Town Council is the Town Clerk. Their 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 provide a six monthly analysis of the type, category and number of formal complaints received by the Town Council.
  - v) To identify improvement points arising from any complaints.
- 5.2 Those complaints to be dealt with by the Town Clerk will include complaints about the Staff. Should there be any complaints about individual Town Councillors, these must be dealt with in writing to the Monitoring Officer at West Northamptonshire Council.

#### **6. Stages of the Procedure**

- 6.1 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.
- 6.2 It is vital however, that the Town Clerk remains clear of the process, until required at the second stage to ensure that their contribution is completely independent.
- 6.3 A complaint will normally only be considered by an external body once all stages of this procedure have been completed.

#### **7. Everyday problems, queries and comments**

- 7.1 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.
- 7.2 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.

## **8. Informal Complaint**

- 8.1 During the course of daily business, minor complaints are made to officers about the services we provide. The Deputy Town Clerk will usually deal with these.
- 8.2 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.

## **9. Formal Complaint (Stage 1)**

- 9.1 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 appropriate officer to investigate.

Timescales	Investigation completed	14 working days
	or Progress Reports issued	14 working day intervals
Investigating Officer:	Deputy Clerk/Appropriate Officer	

## **10. Review of Investigation and Complaint (Stage 2)**

- 10.1 If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Town Clerk who will review the complaint. The request for stage 2 must be done within four weeks of the Deputy Clerk's reply.

Timescales:	Investigation completed	14 working days
	or Progress Reports issued	14 working day intervals
Investigating Officer:	Town Clerk	

## **11. Complaints Panel (Stage 3)**

- 11.1 If the issue remains unresolved, the complainant should be notified of his or her right to have the matter referred to a panel to consist of any three councillors with no prejudicial interest. The request for stage 3 must be done within four weeks of the Town Clerk's Complaints. The outcome of all formal complaints dealt with by a Complaints Panel will be reported to Full Council.
- 11.2 The Complaints Panel represents the final stage of the Council's internal complaints procedure.
- 11.3 Following completion of Stage 3, if the complainant remains dissatisfied, they may refer their complaint to the Local Government and Social Care Ombudsman.

Timescales:	Panel convened within	14 working days
	Investigation completed	14 working days
	thereafter	
	or Progress Reports issued	14 working day intervals
Investigating Body:	Complaints Panel	

## **12. Unreasonable and Vexatious Complaints**

- 12.1 There will be circumstances when a complainant persists in wishing to proceed when it clearly has no reasonable basis, or when the Town 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.
- 12.2 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 Council does have an additional policy to deal with these matters.

## **13. Anonymous Complaints**

- 13.1 Anonymous complaints should be referred to the Town Clerk and may be dismissed at their discretion, according to the type and seriousness of the allegation.
- 13.2 Anonymous complaints will be recorded and considered on a case-by-case basis. Where the matters raised indicate a potentially serious issue (for example relating to safeguarding, health and safety, fraud or significant maladministration), the Town Clerk will assess the information provided and determine whether further action, monitoring, or referral is appropriate. Anonymous complaints will be included in complaints monitoring and reporting; however, by their nature, anonymous complaints cannot receive a direct response.

## **14. Resolution and Remedies**

- 14.1 The aim in dealing with all complaints is to reach a resolution for 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.

## **15. External Review – Local Government and Social Care Ombudsman**

- 15.1 If a complainant remains dissatisfied after completing all stages of the Council's complaints procedure, they may refer the matter to the Local Government and Social Care Ombudsman (LGSCO).
- 15.2 The Ombudsman is independent of the Council and considers whether there has been maladministration or service failure. The Ombudsman will not normally investigate complaints unless the Council's complaints process has been exhausted.
- 15.3 Complaints to the Ombudsman should normally be made within 12 months of the complainant becoming aware of the matter.

## 16. Contacts

Brackley Town Council  
20 High Street  
Brackley  
Northants NN13 7DS

Alison Coomber  
Town Clerk  
[Town.clerk@brackleynorthants-tc.gov.uk](mailto:Town.clerk@brackleynorthants-tc.gov.uk)

Kathy Hale  
Deputy Town Clerk  
[deputy@brackleynorthants-tc.gov.uk](mailto:deputy@brackleynorthants-tc.gov.uk)

Equality & Human Rights Commission  
Arndale House  
Arndale Centre  
Market Street  
Manchester M4 3AQ

Tel: 0161 829 8100  
website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH

Tel: 0300 061 0614  
website: [www.lgo.org.uk](http://www.lgo.org.uk)

The Monitoring Officer  
West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton NN1 1ED

Tel: 0300 126 7000  
[monitoringofficer@westnorthants.gov.uk](mailto:monitoringofficer@westnorthants.gov.uk)