

COMPLAINTS POLICY AND PROCEDURE

Updated on the 16 January 2023

1. PURPOSE

Chesham Town Council is committed to providing the best quality of service to the residents that it serves but appreciates that there may be times when things go wrong. The purpose of our complaints' procedure is to put things right in such situations. The Council will take all complaints seriously. At all times, all parties will be treated fairly and the complaints process will be reasonable, accessible and transparent.

2. SCOPE

2.1 Definition of a Complaint

For the purpose of this policy, the following definition of a complaint will be used:

“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 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.”

2.2 When the Complaints Procedure is Not Appropriate

The Town Council's Complaints Procedure will not be used in respect of the following types of complaint:

i) Financial Irregularity

The Responsible Financial Officer (RFO) should endeavour to provide an explanation of the item. If the complainant is not satisfied, the RFO will advise the complainant of their statutory right to object to the Council's audit of accounts pursuant to S16 Audit Commission Act 1998. On other matters, it may be necessary for the RFO to consult the auditor/Audit Commission.

ii) Criminal Activity

The Chief Executive Officer (CEO) should refer the complainant to the Police.

iii) Member Conduct

In the event of a complaint relating to a Member's failure to comply with the Code of Conduct, the complainant will be advised to make their complaint to Buckinghamshire Council's Monitoring Officer

iv) Employee Conduct

A complaint relating to the conduct of an employee may also be dealt with via the Council's Disciplinary Policy and Procedure once the complaint has been investigated. Complaints that an employee may have about a colleague will be dealt with in accordance with the Council's Grievance Procedure and Whistleblowing Policy. Complaints that an employee may have about a Member will be referred to Buckinghamshire Council's Monitoring Officer

3. COMPLAINTS PROCEDURE

The person wishing to make a complaint should put their complaint in writing (letter, fax, email or complaints form – **see appendix 1**) to the Chief Executive Officer. The complaints form shows the information required to be included within a complaint received by the CEO. If the complaint is about

the CEO then the complainant should send their complaint to the Town Mayor. The Town Mayor would then replace the CEO, where mentioned in this procedure.

Most complaints can be resolved without going through the formal complaints process, by speaking to a member of the staff team or their manager. This can be done in person, by phone or email at the Town Hall, The Elgiva Theatre or Chesham Moor Gym & Swim. However, there are times when this has not resolved the complaint and a more formal process is required.

Once a formal complaint about a service, procedure or administration of the Council has been made, the complaint will be dealt with in the following way:

3.1 Stage One

The CEO will assign a complaint to the relevant Head of Department (the Investigator) to investigate. The CEO will write to the complainant confirming the following:

- i) Name and contact details of the Investigator.
- ii) Timescales for the investigation of the complaint (maximum of two weeks).
- iii) The investigator will contact them directly.
- iv) A letter will be sent at the end of the investigation to them by the investigator stating the outcome of the investigation.
- v) Should the complainant feel the complaint has not be addressed to a satisfactory level by the investigator at the end of the stage 1 process, the complainant will be able to instigate stage two of the complaint's procedure (this will also be advised within the investigators conclusion letter).

The investigator will undertake the following actions:

- i) Contact the relevant people in the investigation, requesting they provide the Council with copies of any documentation or evidence relied on.
- ii) Meet with relevant people in the investigation, to understand the scenario from all perspectives (the discussions of these meetings shall be recorded through minutes).

3.2 Stage Two

To instigate stage two of the complaints process the complainant should write to the CEO requesting the complaint be escalated to stage two, and their reasons for not being satisfied with the outcome of the stage one investigation. Following receipt of the request to escalate the complaint to stage two, the CEO will immediately refer the written complaint to the Council's Staffing Committee.

The CEO will provide a written acknowledgement of the escalation of the complaint within five working days. The letter will advise the complainant when the matter will be considered by the Staffing Committee. The complainant will also be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way. The complainant will be invited to attend the meeting and will be informed that they may bring a representative with them.

The Council will provide the complainant with copies of the papers for the Staffing Committee meeting five working days in advance of the meeting, allowing the complainant the opportunity to read the material in good time for the meeting.

At the Staffing Committee meeting:

- i) Members shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. It is general practice that the public and press will be excluded due to the confidential nature of many complaints.

- ii) The Chair will introduce everyone and explain the procedure.
- iii) The complainant, or their representative, will outline the grounds for complaint and then questions may be asked (i) by the Investigating Officer and any other nominated officer, and then (ii) by Members.
- iv) The Investigating Officer and any other nominated officer may then explain the council's position and questions may be asked (i) by the complainant and then (ii) by Members.
- v) The Investigating Officer and any other nominated officer should be offered the opportunity to summarise their position.
- vi) The complainant is then given the opportunity to summarise their position.
- vii) The Investigating Officer, any other nominated officer, and the complainant will 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 will be invited back.
- viii) The Investigating Officer, any other nominated officer, and the complainant will be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they will be advised when the decision is likely to be made and when it is likely to be communicated to them.
- ix) The decision will be confirmed in writing within five working days of it having been made, together with details of any action to be taken.
- x) The decision will be reported to the next full Council Meeting, which will be open to the public and the press.

If an officer represents the position of the Council at a stage two meeting, putting forward justification for the action or procedure complained of, he/she should not advise the Staffing Committee, as they need to determine the matter themselves.

After the complaints procedure has been followed, the complainant has no right to further appeal and it remains the position that the Local Government Ombudsman has no jurisdiction over the Town Council.

3.3 Confidentiality

The Council will take care to maintain confidentiality where circumstances demand, e.g. where matters concern sensitive information, or where third parties are concerned.

3.4 Analysis

Complaints will be analysed annually by the CEO to spot patterns of serious complaints and lessons for service improvement, as well as assessing how well the complaints procedure is being followed.

3.6 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to proceed when the complaint clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other procedure should or has been taken. These matters will be referred to the Town Mayor by the CEO with a summary of the issues and of the attempts made to resolve the complaint.

The Town Mayor may advise the CEO, in such circumstances, that no further action can usefully be taken in response to the complainant. The CEO will decide whether to inform the complainant to this effect, making it clear that only new and substantive issues will merit a response. The advice of the Town Mayor shall be documented.

3.7 Anonymous Complaints

Anonymous complaints may be dismissed at their discretion of the CEO, according to the type and seriousness of the allegation.

4. POLICY REVIEW

This policy will be reviewed on a four-year cycle. However, the policy will also be examined when a formal complaint is made to identify any areas requiring improvement. The complaints procedure was last reviewed on the 16 January 2023 at the Council meeting.

5. CONTACT DETAILS FOR MAKING A COMPLAINT

Tony Marmo
Chief Executive Officer
Chesham Town Council
Chesham Town Hall
Baines Walk
Chesham
Buckinghamshire
HP5 1DS
(T) 01494 774 842 ex. 116
(E) tony.marmo@chesham.gov.uk

The Town Council office is open Monday to Friday, 10 am to 4.30 pm
The Town Council web site is www.chesham.gov.uk

