

# **Complaints Procedure**

**2015**

## **Devizes Town Council Complaints Procedure**

This policy sets out procedures for dealing with any complaints that anyone may have about Devizes Town Council's administration, procedures, policies and service delivery.

Councillors are covered by the Code of Conduct adopted by Devizes Town Council on 14 March 2002 and this policy does not affect a person's rights to make a referral to the Standards Board.

Complaints against policy decisions made by the Council shall be responded to, in the first instance, by officers.

### **2. Identifying a Complaint**

There are two levels of complaint, formal and informal dependent on the type of initial complaint, both should be treated equally in terms of response.

- Formal complaints require the person making the complaint to be kept informed throughout the complaints process. All but anonymous written complaints must be formal and when a verbal complaint is made to a member of staff, that member of staff must ask if they wish to make it a formal complaint and if so take the complainer's details.
- Informal complaints will predominately be made verbally or may be anonymously. The only difference between an informal and formal complaint is the complainer will not be updated on the process of resolving the complaint other than being informed about the cause of action to be taken.

In terms of recordings the complaint, there is no difference between the two levels

### **2. Stage 1 Complaint**

All initial complaints regarding the failure to deliver a service or product, or a policy decision whether submitted formally or informally to an employee should be recorded on a complaints form held in each department. If it is possible for the members of staff to resolve the complaint immediately then this should be done and actions recorded on the complaints log.

Informal complaints, which involved no risk to other service users should be reported to a member's senior management team within seven hours. Formal Complaints should be reported to a senior member of the management team within 1 hour.

The Town Clerk, or an officer delegated by the Town Clerk should seek to satisfy the complainant as soon as it is reasonable to do so but in the case of formal complaint make contact with the person making the complaint to provide information about how the Council is planning to resolve the complaint or an explanation why a decision has been made.

3. Stage 2 Complaint

A follow up complaint regarding the failure to respond effectively to the initial complaint

Or

A complaint about the behaviour of a councillor or officer, or representative of the Council

Or

If an initial complaint is regarded as being a serious failure to deliver a service or product.

A second stage complaint should be submitted in writing unless where there is a regular occurrence of the same informal complaint.

4. Response to Stage 2 Complaint

A stage 2 complaint should receive a substantive reply within 15 working days of receipt from the Town Clerk or a delegated officer.

If it is not possible to resolve the matter and respond within 15 working days, then a holding response stating a clear time scale of when the complaint will be responded to will be issued.

Such a holding letter will be sent within 5 working days of the receipt of a stage 2 complaint and will set out the reasons as to why the complaint cannot be fully responded to within the normal 15 days timescale.

The rights to appeal as in paragraph 5 must be included within the substantive response.

5. Stage 3 Complaint

An appeal by the complainant regarding a decision resulting from the response to a stage 2 complaint will be referred to the next meeting of the Council or the appropriate committee.

The complainant will be notified of the date of the meeting at which their complaint will be heard and given the opportunity to speak at the meeting. This is subject to paragraphs 8 & 9 that follow and to Standing Order 64 & 65 of the Council's Standing Orders, which relates confidential business.

If the complaint relates to a policy decision, Standing Order no 62 of the Council's Standing Orders, which refers to the rescission of previous resolutions, should be also be noted.

6. The Decision of Council or Committee

The decision of the Council or Committee will be advised in writing to the complainant as soon as is possible after the decision has been reached. The Council or Committee will only defer dealing with any written complaint if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.

7. Complaints received by councillors

Where a councillor receives a complaint they shall refer the complaint immediately to the Town Clerk for the complaints process to be implemented.

8. Complaints that may result in disciplinary actions against employees

If the complaint relates to actions or behaviour of personnel that may result in disciplinary action, then any resolution of complaint must not prejudice the outcome of any such disciplinary action.

9. Complaints relating to the of the Town Clerk

Where the complaint is regarding the actions of the Town Clerk in implementing any policy or procedure of the Town Council, then the complaints policy will be followed in the usual way.

Where the complaint is regarding the behaviour of the Town Clerk then the matter will be reported to the Personnel Panel who will investigate and instigate the disciplinary procedure (if appropriate). The Town Clerk will be notified as soon as possible and asked for their comments.

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