

# Congleton Town Council

## Complaints Policy

### 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, Councillors, or its staff which affects an individual person or group.

#### 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/complaints or disciplinary matters against staff as outlined in the Employee Handbook.

### **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. Complaints Officer**

- 4.1 The Complaints Officer for the Town Council is the Support Manager. The 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.
- 4.2 Certain types of complaint should be referred directly to the Chief Officer. Those to be dealt with by the Chief Officer will include complaints about the Support Manager. Should there be any complaints about individual Town Councillors, these must be dealt with in writing in the first instance and addressed to the Chief Officer and will then be considered by the Complaints Panel. This does not preclude, as an option, any complaint being directly referred to the Monitoring Officer of Cheshire East Borough Council or the Standards Board for England.



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

5.8 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 Chief Officer who will review the complaint. This must be done within four weeks of the Support Manager's reply.

Timescales: Investigation completed – 14 working days  
or Progress Reports issued – 14 working day intervals

Investigating Officer: Chief Officer

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

5.9 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. This must be done within four weeks of the Town Clerk's reply. The outcome of all formal complaints dealt with by the Complaints Panel will be reported to the Personnel Committee.

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

## **6. Unreasonable and Vexations Complaints (see appendix A)**

6.1 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.

6.2 These matters should be referred to the Chief Officer with a summary of the issues and of the attempts made to resolve the complaint. The Chief Officer 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.

## **7. Anonymous Complaints**

- 7.1 Anonymous complaints should be referred to the Chief Officer, and may be dismissed at his discretion, according to the type and seriousness of the allegation.

## **8. Resolution and Remedies**

- 8.1 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 Chief Officer to make any final decision regarding remedy). An explanation or an apology will always be needed.

## **9. Contacts**

### **Congleton Town Council**

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#### **Mrs J Potts**

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## **Appendix A – Guidelines for dealing with unreasonable and unreasonably persistent complainants**

This policy provides guidance on how the Council will decide which complainants will be considered unreasonable and unreasonably persistent complainants, and what actions the Council could take in these circumstances.

### **Definition of unreasonable and unreasonably persistent complainants**

The Local Government Ombudsman defines unreasonable and unreasonably persistent complainants as **those complainants who, because of the frequency or nature of their contacts with an authority, hinder the Council's consideration of their or other people's complaints.**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants:-

1. Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
2. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
3. Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
4. Having insufficient or no grounds for their complaint and making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
5. Refusing to accept that the complaint is not within the remit of the Council, and they have no power to influence or change
6. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
7. Making what appear to be groundless complaints about staff or staff dealing with the complaint, and seeking to have them replaced.
8. Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
9. Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
10. Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

11. Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament / a councillor / the Monitoring Officer / the Standards Board / local police / solicitor.
12. Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
13. Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
14. Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.