



# Ashbourne Town Council

## Complaints Policy

**Reviewed May 2022**

The Complaints Policy was reviewed by

Ashbourne Town Council on .....

Signed .....(Mayor)



## ASHBOURNE TOWN COUNCIL

### COMPLAINTS POLICY

#### Introduction

#### The Importance of Complaints

1. Complaints are valuable 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.  
It is essential that complaints be dealt with positively. The Town Council is anxious to hear people's comments and are 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

A complaint is *any expression of dissatisfaction, however made, about the standard of service, action(s) or lack of action(s) by the Town Council or its staff which affects the individual customer or group of customers.*

##### **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

##### **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

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 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**

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 quarterly analysis of the type, category and number of formal complaints received by the Town Council.
- (v) To identify improvement points arising from any complaints.

Certain types of complaint should be referred directly to the Town Clerk. Those to be dealt with by the Town Clerk will include complaints about the Assistant Town Clerk. Should there be any complaints about individual Town Councillors, these must be dealt with in writing to either the Monitoring Officer at Derbyshire Dales District Council or to the Standards Board for England. Any complaint should be based on sound evidence- independently assessed through written documentation.

#### **5. 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 officers to work within.

It is vital however, that the Town Clerk remains clear of the process, until required at any second stage to ensure that their contribution is completely independent.

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

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.

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.

##### **Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. The Assistant 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.

##### **Formal Complaint (Stage 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: Acknowledgement – by return of post  
Investigation completed – 14 days thereafter  
or Progress Reports issued – 14 day intervals

Investigating Officer: Town Clerk

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

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.

Timescales: Acknowledgement – by return of post  
Investigation completed – 14 days thereafter  
or Progress Reports issued – 14 day intervals

Investigating Officer: Town Clerk

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

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 outcome of all formal complaints dealt with by the Complaints Panel will be reported to the Full Council.

Timescales: Panel convened within 14 days  
Investigation completed – 14 days thereafter  
or Progress Reports issued – 14 day intervals

Investigating Body: Complaints Panel

## **6. Unreasonable and Vexations 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. They, 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**

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

## **8. Resolution and Remedies**

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.

**9. Contacts**

<b>Ashbourne Town Council</b>	The Town Clerk
<b>Town Hall</b>	Tel: 01335 342291
<b>Ashbourne</b>	Website:
<b>Derbyshire</b>	<a href="http://www.ashbournetowncouncil.gov.uk">www.ashbournetowncouncil.gov.uk</a>

<b>Equality and Human Rights Commission</b>	Website:
	<a href="http://www.equalityhumanrights">www.equalityhumanrights</a>

<b>The Local Government and Social Care Ombudsman</b>	Tel: 0300 061 0614
	Website: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a>

<b>The Monitoring Officer</b>	Tel: 01629 761100
Derbyshire Dales District Council	Website:
Town Hall	<a href="http://www.derbyshiredales.gov.uk">www.derbyshiredales.gov.uk</a>
Matlock	
Derbyshire	

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Dated.....

Signed.....