



Complaints Policy

This policy was adopted by the Council at its meeting held on 5th July 2022.

This version of the Complaints Policy supersedes any previous versions.

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Table 1 Document Version Control

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1. Introduction

Any organisation will get it wrong sometimes. It is important for the organisation to know when this has happened, to be able to understand why it has happened and to have the opportunity to put it right. A good organisation is one that is open to complaints, has a proper procedure to deal with to them and reviews activities to prevent a reoccurrence.

2. What is a complaint?

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 a 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. The Council receives queries, problems and comments as part of its day-to-day business, and these should not all be regarded as complaints.

3. Complaints Procedure

3.1. Data Protection and Confidentiality

To ensure compliance with the Data Protection Act 1998 a council cannot disclose the identity, contact details or other personal data about a complainant unless he/she consents or disclosure is otherwise fair and lawful under the 1998 Act e.g. for the purpose of discharging the council's functions or for the performance of contractual obligations.

Bollington Town Council will ensure that any agendas and minutes do not disclose personal data or confidential information about the complainant.

Bollington Town Council will treat all complaints as confidential unless the complainant waives his/her right to confidentiality. Thus, meetings to which the complainant attends will exclude the public.

3.2. Informal Complaints

It is not appropriate to deal with all complaints from members of the public under the formal complaints procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk, will resolve most issues raised by a member of the public.

The council will put things right as quickly as possible and admit fault if that is the case. If it is unable to help or in disagreement with the complaint, it will state clearly in writing why it takes that view.

Any informal complaint will be reported to the Council for information. It should be noted that the Local Government Ombudsman (LGO) has no jurisdiction over parish and town councils in England. However, this does not mean that councils such as Bollington are less focussed on providing good services. We are local, approachable and accountable and, in Bollington's case, we have 12 locally

elected councillors who are just as anxious as you to ensure services are efficient and effective.

3.3. Formal Complaints

In certain circumstances procedures/bodies other than Bollington Town Council may be appropriate in respect of the following types of complaint:

- **Alleged Financial irregularity** - Local elector has a statutory right to object to the Council's audit of accounts pursuant to section 16 Audit Commission Act 1998. On other matters, Councils may need to consult their auditor / Audit Commission.
- **Alleged Criminal activity** - The Police.
- **Member conduct** - A complaint relating to a Councillor's (member's) failure to comply with the Council's Code of Conduct must be submitted to the Monitoring Officer of the relevant principal authority. In Bollington's case this is Cheshire East Council.
- **Employee conduct** - The Town Council has an Internal Disciplinary Procedure.

4. Complaining to the Town Council

1. If a member of the public is not satisfied with the outcome of a complaint dealt with under the Informal Complaints Procedure then the complainant should put the complaint in writing to the Town Clerk at the following address:

The Town Clerk
Bollington Town Council
The Town Hall
Wellington Road
Bollington
Cheshire
SK10 5JR

2. If the complainant does not wish to submit the complaint to the Clerk, he or she should address it to the Mayor (Chair) of the Council at the above address and mark it personal and confidential.
3. If the complaint is received by the Clerk, it will be acknowledged and the Clerk will do his or her best to address it and satisfy the complainant within a maximum period of 10 working days. If it is likely to be longer than this period, the Clerk will inform the complainant of the delay and the reason for it. If the complainant is not satisfied with the delay or the outcome, he or she may request that the matter be considered in a meeting attended by the Clerk and Mayor.

4. If the complaint is received by the Mayor, it will be acknowledged and the Mayor will arrange for it to be considered in a meeting attended by the Clerk and Mayor.
5. If the matter is being dealt with in a meeting, the complainant will be invited to attend the meeting and to bring with them a representative if they wish. The date of the meeting will be within 20 working days of the complaint or failure of the Town Clerk to remedy the problem to the satisfaction of the complainant. The complainant will also be advised whether the complaint will be treated as confidential or whether, for example, notice of the meeting will be given in the usual way for the public to attend.
6. At least 7 working days prior to the meeting, the complainant will provide the Council with copies of any documentation or other evidence relied on. The Council will then provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

4.1. At the Meeting

1. The Clerk will Chair the meeting and start by explaining how the meeting will proceed.
2. The complainant will outline their grounds for complaint after which the Clerk and Mayor may ask questions.
3. The Clerk and Mayor will explain the Council's position and questions may be asked by the complainant.
4. The Clerk and complainant will summarise their respective positions.
5. The Clerk will advise when a decision about the complaint will be made – the timeframe is dependent on the nature of the complaint but will be no more than two months. If the complaint is particularly complex it may take longer for the council to reach a decision, in which case the Clerk will explain this to the complainant.

4.2. Decision on a complaint

Following a decision, the Clerk will write to the complainant within seven working days to confirm whether or not the council has upheld the complaint. Reasons will be given for the decision together with details of any action to be taken by the council.

4.3. Remedies

If Bollington Town Council upholds the complaint, the Clerk will provide an explanation to the complainant of what steps will be taken to remedy the situation.

Any offer or acceptance of financial compensation will confirm final settlement of the dispute but is not an admission of legal liability.

4.4. Complaints involving legal remedies

It may be necessary to notify the council's insurers; appropriate if a complainant seeks redress for personal injury, damage to property or other financial loss or whether the council is at risk of being held liable in law to pay damages or provide another legal remedy.

The Clerk will notify the council's insurers immediately if such a complaint is made against Bollington Town Council and take instruction on how to respond to the complainant.

4.5. Complaints Relating to the Town Clerk

A complaint relating to the Town Clerk, will be referred on to the Chair of the Personnel Committee and copied to the Mayor.

The Town Clerk will be made aware of the complaint, its details and the process to be followed.

The complaint will be heard by a panel of 3 members of the Personnel Committee.

Either party can appeal to Full Council ensuring that those councillors who formed the Personnel Committee panel above do not take part in the appeal decision.

4.6. Confidentiality

The identity of a complainant will only be made known to those who need to consider the complaint. Bollington Town Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).