

## SANDY TOWN COUNCIL

### Complaints Policy

1 Definition of 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." (Local Government Ombudsman)

2 This policy sets out Sandy Town Council's policy and procedures for dealing with complaints from Members of the public or organisations about its **administration and procedures**. In the first instance complaints should be made orally or in writing to: The Town Clerk Sandy Town Council, and 10 Cambridge Road Sandy SG19 1JE.

3 Different arrangements apply for the following types of complaint:

| Type of conduct               | Refer to  |
|-------------------------------|---|
| <b>Financial irregularity</b> | <p>Local electors have a statutory right to object to the Council's audit of accounts pursuant to S16 of the Audit Commission Act 1998. Sandy Town Council's auditors are:</p> <p>BDO LLP<br/>Arcadia House<br/>Maritime Walk<br/>Ocean Village<br/>Southampton<br/>SO14 3TL</p> <p>and they should be contacted directly in the event of an objection to the accounts.</p> |
| <b>Criminal activity</b>      | <p>Any complaints or allegations of criminal activity should be referred to the Police:</p> <p>Bedfordshire Police<br/><b>Biggleswade Police Station</b><br/>Station Road<br/>Biggleswade</p>   |

|                                     |  |
|-------------------------------------|--|
|                                     | SG18 8AL   |
| <b>Complaints about individuals</b> | <p><b>Member conduct</b><br/>Complaints relating to a council member's failure to comply with Sandy Town Council's code of conduct must be submitted to Central Bedfordshire Council:</p> <p><i>Central Bedfordshire Council<br/>Priory House<br/>Monks Walk<br/>Chicksands<br/>Shefford<br/>Bedfordshire<br/>SG17 5TQ</i></p> <p><b>Employee Conduct</b><br/>Complaints about the individual behaviour of members of staff will be addressed using the Council's internal disciplinary procedure.</p> <p>Complaints should be made orally or in writing to:</p> <p>The Town Clerk<br/>Sandy Town Council<br/>10 Cambridge Road<br/>Sandy SG19 1JE<br/>01767 681491</p> <p><i>Or to</i></p> <p>The Town Mayor<br/>Sandy Town Council<br/>10 Cambridge Road<br/>Sandy SG19 1JE<br/>01767 68149</p> <p>if the complaint is about the behaviour of the Town Clerk</p> |

- 4 In the first instance, if an oral or written complaint is made to the Town Clerk, a Councillor or the whole Council then the Town Clerk shall investigate the matter on behalf of the Council and report back to the complainant as promptly as possible. If Councillors are notified of oral complaints they will inform the Town Clerk within 2 working days. The Town Clerk will respond fully to complaints within 10 working days or

provide an update and a reasonable timescale for when a final report on the complaint and any remedy shall be made available. The Council will first attempt to settle all complaints directly with the complainant.

- 5 If the complainant is not satisfied with the outcome of the attempt to settle the complaint directly, then a further formal written complaint should be made in writing to the Town Clerk and the matter will be dealt with by the Complaints Committee of Sandy Town Council.
- 6 If the complainant does not wish to put the complaint in writing to the Town Clerk it should be made in writing to the Town Mayor.
- 7 The Town Clerk or other nominated officer will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the committee established for the purposes of hearing complaints. This Complaints Committee will have five members and they will be elected at the annual meeting of the Town Council specifically for the purpose of hearing the complaint. If members of the committee elected at the annual meeting are unable to participate in the complaints hearing for any reason (eg conflict of interest, absence) the Town Council will appoint additional members to the committee.
- 8 Whenever possible the identity of the complainant will only be made known only to those who need to consider the complaint. However the general nature of the complaint may be published on an agenda. The complainant will be advised about what information is to be made public at this stage. The complainant shall be invited to attend the meeting to hear the complaint and to bring a representative with them if they wish.
- 9 Seven clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall 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.
- 10 At the meeting the committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the meeting in public.
- 11 The chairman will introduce everyone and explain the procedure.
- 12 The complainant (or representative) should outline the grounds for complaint and thereafter, questions may be asked by (i) the Town Clerk or other nominated officer and then (ii) members. If the complainant (or representative) does not wish to speak the outline of the complaint provided in writing by the complainant will be used.

- 13 The Town Clerk or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant (or representative) and (ii) members.
- 14 The Town Clerk or other nominated officer and the complainant should be offered the opportunity to summarise their position.
- 15 The Town Clerk or other nominated officer and the complainant should 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 shall be invited back into the room.
- 16 The Town Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.
- 17 After the meeting the decision should be confirmed in writing within seven working days together with details of any action to be taken.
- 18 Appendix I at the end of this document lays out the Council's policy on dealing with vexatious or unreasonable complainants.
- 19 Pursuant to the Local Government Act 1974 the Local Government Ombudsman (LGO) has no jurisdiction over parish and Town Councils in England consequently there are no statutory mechanisms in place for complaints against local Councils in England. Complainants who are dissatisfied with the outcome of the complaints procedure may consider the remedy of Judicial Review in the absence of any other appeal mechanism.

Date revised: Dated implemented

Due for review: September 2015

## **Appendix I Vexatious Complaints**

- 1 Sandy Town Council welcomes feedback from members of the public and organisations about its activities and is committed to dealing with complaints fairly and impartially and in compliance with relevant legislation. Information relevant to our complaints procedures and to this policy can be found in the following documents:
  - Sandy Town Council Complaints Procedure
  - Sandy Town Council Code of Conduct
  - Sandy Town Council Dignity at Work/Bullying and Harassment Policy
  - Sandy Town Council Customer Care Policy
  - The Freedom of Information Act
- 2 All complaints will be dealt with using the appropriate procedure depending on the nature of the complaint.
- 3 This policy sets out Sandy Town Council's policy and procedures for dealing with a very small minority of members of the public who may make complaints that are vexatious in that they persist unreasonably with their complaints or make complaints in order to make life difficult for the Council rather than genuinely seeking to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.
- 4 The Council recognises that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult.
- 5 The Council acknowledges that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.
- 6 Similarly, even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether it is vexatious or genuine.

- 7 A list of potentially unreasonable or vexatious behaviours is attached at Appendix 1 for guidance.
- 8 If a complaint made orally or in writing to the Town Clerk, a Councillor or the Town Mayor is considered to be unreasonable or vexatious by them the Town Clerk or the Town Mayor may take the exceptional step of referring the complaint to Sandy Town Council so that it may be determined whether the complaint is unreasonable.
- 9 The complainant will be notified of the referral in writing.
- 10 The Town Council will consider the status of the complaint taking into account the guidance laid out in this policy. If the Council considers that the complaint is unreasonable it will notify the complainant in writing. The Town Council may decide that no further action can usefully be taken in response to the complaint and will inform the complainant making it clear that only new and substantive issues will be considered. If the complainant has regularly been taking up large amounts of Council resources the Council may decide to restrict the access of the complainant to Council Officers and any such restrictions will be confirmed in writing.
- 11 If the complaint is not found to be unreasonable then the usual complaints procedure will obtain.
- 12 At any time, if a complainant persists with a pattern of behaviour or volume of complaints which has an adverse impact on council resources a meeting may be offered to the complainant to establish whether there is an more effective way for concerns to be dealt with or whether there is an underlying common cause for various complaints.

Date issued: February 2013

Due for review: February 2015

### Some examples of the behaviour of persistent complainants

- Refusal to specify the grounds of a complaint
- Making a complaint more than once about the same issue
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making what appear to be groundless complaints about the employees dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee
- Making unnecessarily excessive demands on the time and resources of Council staff whilst a complaint is being looked into
- Refusal to accept information provided for no apparent good reason
- Changing the basis of the complaint as the investigation process goes on and/or denying statements he/she made at an earlier stage
- Making statements or providing manufactured 'evidence' the complainant knows are incorrect or persuading others to do so
- Raising at a late stage in the process, significant new information which was in the complainant's possession when he or she first submitted a complaint
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- Refusal to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaint procedure cannot in itself provide such as the overturning of court decisions, dismissal or criminal prosecution of staff
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by use of language, tone of voice or behaviour including body language
- Submitting repeat complaints, after the complaints process has been completed, essentially about the same issues, with additions/variations which the customer insists make these 'new' complaints which should be put through the full complaints procedure

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