

# Bradford on Avon Town Council



## **Complaints Procedure**

# Version Control

<b>Action:</b>	<b>Who:</b>	<b>Date:</b>	<b>Comments:</b>
Draft to Resources Committee	Town Clerk	17.12.19	As a 94-page agenda sent out, members were given more time to consider these policies and discuss them at the next Resources Committee on the 19 <sup>th</sup> February 2020. This meeting was subsequently cancelled.
Draft to Full Council	Town Clerk	04.02.20	Ask members for their comments by 9 <sup>th</sup> April 2020 then take to Full Council on the 5 <sup>th</sup> May 2020 for adoption. Cllr Lynch requested that Wiltshire Council's Monitoring Officer's opinion be sought.
Draft to Full Council	Town Clerk	29.04.20	Monitoring Officer's comments received in blue font. (bottom of pg. 3)
Draft to Full Council	Town Clerk	27.07.20	Added 4.2 Complaints involving Town Clerk Adopted by Virtual Extraordinary Full Council

## **Complaints Procedure**

### **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 are dealt with positively. The Town Council is anxious to hear people's comments and is 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 or its staff which affects an individual customer or group of customers.

#### **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 or disciplinary matters against staff.
- **Complaints that individual councillors have acted in breach of the Town Council's Code of Conduct. Such complaints should be made to the Monitoring Officer at Wiltshire Council, the Town Clerk may, in appropriate cases, seek an informal resolution with the agreement of both parties, but will otherwise refer the complaint to the Monitoring Officer.**



**BRADFORD  
ON AVON**  
TOWN COUNCIL

### **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 Town Clerk. Their main duties are: The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.

To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.

To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.

To identify improvement points arising from any complaints.

To identify staff training issues.

4.2 For a complaint that includes a reference to the Town Clerk, this will be referred to Resources Committee in the first instance. The Chair of Council will decide on 5 members to decide the complaint and the other 7 members will not be told the nature of the complaint. This will leave another 5 members to hear any appeal.

### **5. Procedure**

5.1 The procedure has been designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

#### **5.2 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.

#### **5.3 Informal Complaint**

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. 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.



## 5.4 Formal Complaint

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 Town Clerk to investigate. If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

## 5.5 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint 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 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.

## 5.6 Anonymous Complaints

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

## 6 Resolution and Remedies

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies 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.

## 7 Contact

Bradford on Avon Town Council  
St. Margaret's Hall  
St. Margaret's Street  
Bradford on Avon  
Wilts  
BA15 1DE  
Email [office@bradfordonavontowncouncil.gov.uk](mailto:office@bradfordonavontowncouncil.gov.uk)



**BRADFORD  
ON AVON**  
TOWN COUNCIL

### Related Documents

- Standing Orders
- Financial Regulations
- Business Continuity Plan
- Corporate Governance Policy
- Anti Fraud and Corruption Policy
- Whistleblowing Policy
- Grievance Procedure for Employees
- Code of Conduct for members
- Code of Conduct for volunteers