

Westerham Town Council



Complaints Procedure for complaints from members of the public

Adopted 8th December 2008

Reviewed 6th December 2010

Reviewed 26th January 2015

Reviewed 25th January 2016

Reviewed 16th March 2020

REVIEWED 4 YEARLY

Complaints Procedure

1. Introduction

Westerham Town Council (the **Council**) has a complaints procedure, which demonstrates that the Council will always endeavour to:

- provide a good service;
- undertake its business in an open and honest manner; and
- deal with complaints fairly, not least because the Council values feedback on how it carries out its work.

2. What is a complaint?

For the purpose of this procedure: '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 by a person or body acting on behalf of the Council.'

There are other procedures to deal with financial irregularities, criminal activity, Councillor conduct and employee conduct.

Many complaints can be dealt with quickly and satisfactorily by the Clerk, Deputy Clerk or Assistant Clerk. Complainants should be told what they may do if they remain dissatisfied.

3. Time limit for making a complaint

The Council's aim is to put things right if they go wrong as quickly as possible, so it is important to recognise **there is a one year time limit (from the date of the incident giving cause for the complaint) for making a complaint.**

However, the time limit may be extended if it is still possible to consider the complaint effectively and efficiently or if there are other circumstances that may enable resolution of the complaint.

4. What happens if a complaint is received?

Stage 1 - The Council will appoint three Councillors to form a Complaints Committee, with the Clerk/Deputy/Assistant Clerk to act as secretary to the Committee.

Stage 2 – The Chairman of the Council will review the decision of the Complaints Committee and, if he or she considers it necessary, shall refer it to a full Council meeting.

5. Before the first meeting of the Complaints Committee

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, he or she should be advised to address it to the Chairman of the Council.
3. The Clerk shall acknowledge receipt of the complaint within **5** working days and advise the complainant as to when the Complaints Committee will consider the matter. The complainant will also be advised whether the complaint will be treated as confidential or whether notice of it will be given in the usual way.
4. The person responsible for responding to the complaint will contact the complainant to agree the best way to deal with it. The Council's aim is to give a full response within **14** working days. If for any reason that cannot be done the complainant will be advised as to when a response can be expected. In any event the Council will endeavour to respond within **21** working days.
5. The complainant will be invited, by notice in writing, to attend a meeting and to bring a representative if the complainant wishes to do so.
6. The complainant shall provide the Committee with copies of any documentation or other evidence relied on not later than **7** working days before the date of the first meeting of the Complaints Committee. Likewise, the Committee shall provide the complainant with copies of any documentation that it considers relevant for the purposes of the meeting and shall do so (at the latest) promptly after the due date for receipt of the complainant's documentation, thereby allowing the complainant the opportunity to read the Committee's material in good time for the meeting.

6. At the meeting

7. The Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. The Chairman of the Committee should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by: (i) the Clerk and then: (ii) Committee members.
9. The Clerk will have an opportunity to explain the Council's position and questions may then be asked by: (i) the complainant and (ii) Committee members.
10. The Clerk (on behalf of the Committee) and then the complainant will be offered the opportunity to summarise their respective positions.
11. The complainant will be asked to leave the meeting while the Committee decides whether or not it considers whether or not the complaint is well founded and what action should be taken. If a point of clarification is necessary, the complainant must be invited back into the meeting.
12. The complainant must be given the opportunity to wait for the Committee's decision unless the Committee advises the complainant, on leaving the meeting or promptly thereafter, that a decision is unlikely to be finalised on that day. In that event the complainant must be advised when the decision is likely to be made and when it is likely to be communicated to the complainant.
13. If the Committee considers it necessary one or more further meetings may be convened, in which event the provisions set out above shall apply in relation to such meeting(s).
14. Any decision on a complaint shall be announced at a full Council meeting.

7. After the meeting

The decision must be confirmed in writing within **7** working days after the date on which it is made, together with details of any action to be taken.

If the complainant is still dissatisfied then the Chairman of the Council will review

the complaint and if the Chairman is unable to resolve the matter to the satisfaction of the complainant, the Chairman will refer the matter to a full Council meeting.