

Bruton Town Council complaints procedure

1 What is a complaint?

- 1.1 The Local Government Ombudsman defines a complaint as:
“an expression of dissatisfaction... 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”
- 1.2 Councillors and the town clerk regularly hear comments about the work of the council, some of which are critical. These comments should not be seen as complaints, and should be responded to as appropriate at the time they are received.
- 1.3 In other cases, however, the person making the comment will expect a more formal response. It is the person making the comment, and not the council, who decides whether they are making a complaint. In cases of doubt the person should be asked whether or not they wish to make a complaint.
- 1.4 Anyone who has taken the trouble to put their critical comments in writing is making a complaint (unless they make it clear that they are not wishing to complain).
- 1.5 When a complaint is made against a local council, member(s) of the council or staff are likely to be mentioned or complained about. However, a complaint against a council should be treated as a complaint against the body corporate of the council, not as a complaint against individual employees or member(s) of the council.
- 1.6 A complaint about the actions of someone contracted to do work for the council is a complaint about the council.

2 Exclusions from this procedure

- 2.1 Certain kinds of complaints are excluded from this procedure because another person or body has responsibility for dealing with them:

What is being complained about:	Referred to:
Policy decisions	The committee making the decision
Financial irregularity	The external auditor
The conduct or behaviour of a councillor	South Somerset District Council’s monitoring officer
Criminal actions	The police
The actions of the district or county council	The district or county council

3 Receiving a complaint

- 3.1 A complaint does not have to be in writing, but it is always helpful to have a record. Anyone receiving an oral complaint should encourage the complainant to put their concerns in writing (or offer to do this for them). The letter or email should normally be addressed to the town clerk (unless the complaint is about the town clerk, in which case it should be addressed to the chairman).
- 3.2 Written (or email) complaints received by councillors should be forwarded to the town clerk.
- 3.3 On receipt of a complaint the town clerk circulates a copy to all councillors, (unless the complaint is about the actions of the district or county council or another body, in which case the town clerk forwards the complaint to the appropriate officer and advises the complainant that they have done so).
- 3.4 The complaint is acknowledged in writing within three working days of its receipt.
- 3.5 If the complainant threatens legal action and/or appears to be expecting compensation:
 - The council should seek legal advice, and
 - The council's insurers should be advised of the complaint.

The complaint should then be dealt with in accordance with insurers and legal advice.

4 Initial response

- 4.1 The best person to respond will vary according to the nature of the complaint. Individual councillors may offer to respond or be encouraged to respond but may not be directed to do so.
- 4.2 If the complaint is about the town clerk the chairman will respond.
- 4.3 In other cases the town clerk and chairman will jointly decide which of the two of them should respond.
- 4.4 The person responding should:
 - Offer to meet the complainant if this would be helpful;
 - Investigate the concerns raised by the complainant;
- 4.5 If the complaint can be resolved straightforwardly by letter of explanation and/or apology:
 - If the person responding is the town clerk, she sends an appropriate response, copying the chair and other councillors;
 - If the person responding is a councillor they draft an appropriate response and consult other councillors and the town clerk about its content before sending it.
- 4.6 In either case the response should be sent within four weeks of receipt of the complaint and should be on council headed paper (or sent from a council email address). The letter should explain that if the complainant is dissatisfied with the response they may write an appeal letter to the chairman of the council within four weeks of its receipt explaining why they are dissatisfied.

- 4.7 If it appears that the complaint cannot be resolved straightforwardly (because of its seriousness, or because a decision about resource allocation or other council action is needed) the person responding may, in consultation with the town clerk and/or the chairman, decide that a formal hearing is needed. They should then write to the complainant explaining this.

5 Formal hearing

- 5.1 The second stage is initiated either:
- On receipt of an appeal letter, or
 - Following a decision that a formal hearing is needed.
- 5.2 EITHER The complaint is placed on the confidential section of the agenda of the next or following council meeting
- OR the town clerk convenes a meeting of the Appeals Committee within four weeks of receipt of the appeal letter.
- The public are excluded from the hearing on grounds of confidentiality and the agenda simply records that a complaint is to be heard.
- 5.3 The town clerk writes to the complainant inviting them to attend the hearing, enclosing a copy of this procedure.
- 5.4 The town clerk ensures that the following documents are available to members of the hearing and to the complainant at least three clear working days in advance of the meeting:
- The original complaint;
 - The response letter (if there was one);
 - The appeal letter (if there was one);
 - Any other written evidence submitted by the complainant or considered by the person responding.
- 5.5 The hearing is attended by the complainant (if they wish) and the person responding to the complaint. The person responding to the complaint is not part of the hearing: if they happen to be the chairman the deputy chair should chair the hearing.
- 5.6 At the meeting the complainant is asked to explain their complaint and (if relevant) the reasons for their appeal and what they would wish to see happen to resolve their complaint. Members hearing the complaint may ask questions.
- 5.7 The person who responded to the complaint is asked to explain their views of the complaint and (if relevant) their response and recommendations (if any). Members hearing the complaint may ask questions.
- 5.8 The complainant and the person responding to the complaint withdraw from the hearing.
- 5.9 Members hearing the complaint then discuss the complaint and make a decision.
- 5.10 Where possible the complainant and the person responding to the complaint should be told of the decision at the time. Where this is not possible the complainant should be told that they will receive a written decision.

- 5.11 The hearing's decision is confirmed in writing by the chairman or deputy chair within one week of the hearing. The decision letter should set out the decision, the reasons for the decision and any actions to be taken by the council as a result of the complaint. The letter should also explain that the decision is final.

6 Further appeal

- 6.1 There is no right of appeal to a further body if the complainant is not satisfied with the council's response, unless:
- The complaint is about the way that the council has handled personal information or about the way that the council has responded to a request for information, in which case the complainant can approach the Information Commissioner's Office;
 - The complaint is about a service provided jointly with or on behalf of the district or county council in which case the complainant can approach the Local Government Ombudsman.
- 6.2 (The Local Government Ombudsman does not have any jurisdiction over the actions of parish councils unless they are acting jointly or on behalf of a district or county council).

7 Persistent and/or vexatious complainants

- 7.1 Full council may decide (in the confidential section of the agenda) that further complaints from a particular complainant and/or about a particular matter will not receive a response.
- 7.2 The chairman writes a letter to the complainant explaining why they will no longer receive a response.

8 Legal background

- 8.1 There is no legal requirement for local councils to have a formal complaints procedure. It is, however, accepted good practice that they should do so.
- 8.2 This procedure is consistent with and based on the National Association of Local Councils legal topic note 9E (June 2014).

To be reviewed annually.