COMPLAINTS POLICY

FAVERSHAM
TOWN COUNCIL

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Faversham Town Council Complaints Policy

1. 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, and which has not been referred to an external authority.

2. Complaints we cannot deal with:

We cannot deal with certain types of complaint, which should be referred to more appropriate authorities as follows:

(a) *Financial Irregularity*. Complaints about financial irregularity should be referred to the Council's auditor, whose name and address can be obtained from the Clerk (Local elector's statutory right to object to Council's audit of accounts pursuant to s.16 Audit Commission Act 1998).

(b) *Suspected Criminal Activity*. Such suspicions should be referred to the police

(c) *Member Conduct*. A complaint relating to a member's failure to comply with the Code of Conduct should be directed Swale Borough Council's Monitoring Officer [The Monitoring Officer, Legal and Democratic Services, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent ME10 3HT].

(d) *External Authorities*. Complaints made to external authorities (e.g.: the Information Commissioner) will not be investigated under the Council's procedure unless the relevant external authority recommends or requires this.

3. Other

Employee Conduct. If your complaint is about an employee of the Council (acting on behalf of the Council), we will initially respond to you in accordance with our complaints procedure, except that if the employee is the Town Clerk it will be a Councillor who will look into the complaint and respond to you. If you are still not satisfied, your complaint will be handled by us as an employment matter and appropriate action taken as required. You will be advised of the outcome in due course.

4. Our guarantee

When a complaint is made, we guarantee that:

(a) We will not discriminate against anyone on the grounds of age, gender, ethnic origin, disability, marital status, political or religious affiliation, class or sexual orientation.

(b) We will not discriminate against anyone in the future because they have complained.

(c) If we have made a mistake, we will apologise and try to put it right.

(d) Your complaint will be handled confidentially, except that any decision will be notified to the Town Council and details of the complaint and the decision will be noted in the council's complaints register, which can be inspected by councillors.

(e) When we receive your complaint, it will be handled as explained below.

5. Initial Procedure

5.1 A member of staff will respond to your complaint within five working days, informing you who will deal with your complaint and how to contact them.

5.2 An officer will then look into your complaint.

5.3 We will reply to your complaint within 20 working days of receiving your complaint, detailing our response or giving a date that a full response will be issued.

6. Reference to Complaints Committee

If you are not satisfied with the outcome and tell us (preferably in writing) within 7 days of our reply, the Mayor will appoint a Complaints Committee (not including the Mayor), which will investigate and report its findings to you and a council meeting after following the procedure below.

7. Before the Complaints Committee meeting:

(a) You will be asked to put the complaint about the Town Council's procedures or administration in writing to the Town Clerk (or, if the complaint involves the Town Clerk, to the Mayor).

(b) The Town Clerk (or Mayor) will acknowledge receipt of the complaint and tell you whether and when the matter will be considered by the Complaints Committee.

(c) If the Committee agrees your complaint is a matter for it, you will be invited to attend the Committee meeting and may bring a representative with you.

(d) Seven clear working days prior to the meeting (i.e. excluding weekends and public holidays), you should provide the Council with copies of any

documentation or other evidence to which you may wish to refer at the meeting.

(e) The Council will similarly provide you with copies of any documentation or other evidence to which it wishes to refer to at the meeting.

8. At the Complaints Committee meeting:

(a) The Complaints Committee meeting shall be heard in private, but confidential minutes will be taken for the Council's own records only.

(b) The chairman will introduce everyone and explain the procedure.

(c) The complainant (or representative) will have an opportunity to outline the grounds for complaint.

(d) The Committee members will then ask any questions of the complainant.

(e) If relevant, the Town Clerk or other officer will explain the council's position.

(f) Panel members will then ask any question of the Town Clerk or other officer.

(g) The Town Clerk or other officer and complainant (in that order) will then be offered the opportunity to make closing comments.

(h) The Town Clerk or other officer and complainant will be asked to leave the room while the Committee members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties must be invited back together).

(i) The Town Clerk or other officer and complainant return to hear the decision, or to be advised when the decision will be made.

9. After the Meeting:

(a) The decision will be confirmed in writing to the complainant within seven working days, together with details of any action to be taken.

(b) The decision and details of any action to be taken will also be notified to the Town Council at its next meeting.

10. Review by the Mayor

If the Complaints Committee considers your complaint is not a matter for it, it will refer your complaint to the Mayor for review. In the event of a meeting of the Complaints Committee, if you are still not satisfied with the outcome, you may - within 7 days of being notified of the decision – ask the Mayor (preferably in writing)

to review that decision. He or she will do so within 10 working days of receipt of your request, and notify you in writing of his or her decision, which will either be;
(a) that the decision of the Complaints Committee is appropriate in the Mayor's view, in which case no further action will be taken; or
(b) that the complaint will be referred to a differently constituted Complaints Committee to re-hear the complaint, following the procedure set out in section 5 above.

11. Complaints Register

Details of complaints dealt with by the Complaints Committee or the Mayor and the decisions and any action to be taken will be noted in the Council's complaints register, which can be inspected by Councillors.

Note:

In any part of this Policy, if the Mayor is unavailable, then the Deputy Mayor will substitute for the Mayor.