

Birchwood Town Council

Complaints Procedure



Introduction

This procedure is for all complaints to the Town Council, whether minor, serious, informal or formal and applies to all services provided by the Town Council.

The policy has been adopted to ensure that complainants and their complaints are properly and fully considered.

The Town Council believes that complaints can provide useful information and feedback on the quality of our services, procedures and practices. The effective handling of a complaint will help us to put things right if there has been an error, improve the services we provide and ensure that mistakes are not repeated.

We aim to investigate all complaints in an impartial, timely manner and to find a solution locally, wherever possible, to the satisfaction of both the complainant and the Council.

The Town Council does not consider formal complaints against Councillors. Such complaints are dealt with in accordance with the Town Council's adopted Code of Conduct.

Please note that the Town Council is not subject to the jurisdiction of the Local Government Ombudsman.

What is the definition of a complaint?

The perception of a complaint differs widely from person to person so it is difficult to give a precise definition. However, for our purposes, a complaint is an expression of dissatisfaction about a service, action or lack of action undertaken by Birchwood Town Council or any of its officers. A complaint will be dealt with in-house following the general procedure set out below.

To be a little more specific, a complaint is where

- The Town Council has not done something it has a duty to do or normally does;
- The Town Council has done something it has no right to do or does not normally do as a matter of established practice;
- The established levels of service delivery are not reached;
- A person does not understand or is not informed of why, or how, a situation arose or exists;
- An adopted and known procedure is not followed;
- Maladministration is alleged.

The complaints procedure will not deal with:

- complaints for which there is a legal remedy or where legal proceedings exist already.
- complaints about employment matters as the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

- Complaints concerning an elected Member should be directed to the Monitoring Officer at Warrington Borough Council.

What should you do if you have a complaint?

A complainant should, in the first instance, raise the issue with the Town Council. To do this, please contact the Town Clerk, who is the officer responsible for dealing with these matters in a timely manner. The investigation may, on occasion, be undertaken by another officer designated by the Council.

A formal complaint should be made in writing to the Clerk, detailing the nature of the complaint, including relevant events, dates, names of those person(s) involved and the complainants contact details. Please provide as much supporting information as possible to enable your complaint to be investigated fully.

Please indicate if you wish the complaint to be treated confidentially, i.e. withholding your personal data e.g. name, address and contact details.

The contact details for the Town Clerk are as follows:

Telephone: 01925-819440, email theclerk@birchwoodtowncouncil.org.uk, or write to Birchwood Town Council, Parkers Farm, Delenty Drive, Birchwood, Warrington, WA3 6AN.

In many cases, it will be possible for an issue to be dealt with straight away and the matter resolved almost immediately.

If the complaint is more complex, a thorough investigation can be undertaken. Investigations will be dealt with as quickly as possible and under normal circumstances you should get a written response within 20 working days of the complaint being reported to the Town Council.

If the complaint involves the Town Clerk personally, the complainant should address the complaint direct to the Chair of the Town Council.

The stages of the Complaints Procedure:

This procedure is designed to provide the complainant with the confidence that their complaint will be given a thorough and fair means of redress, whilst providing Council Officers with a framework to work within.

Everyday queries and comments

Each day the Town Council receives queries, comments and problems which should not be regarded as complaints. These are usually routine matters which can, and usually are, resolved to the satisfaction of the customer.

If, however, the customer remains unsatisfied or they wish to take the matter further then the issue becomes recognised as a complaint and it should then be dealt with under the complaints procedure.

Informal Complaint

Informal, usually minor, complaints are made to Council officers during the usual course of business which can normally be dealt with by the Clerk or another Council officer.

If the complainant remains unsatisfied with the response, then it should be dealt with as a formal complaint.

Formal Complaint

This is where a complainant is either dissatisfied with the outcome of an informal complaint, or they wish to commence a formal complaint immediately.

Complaints about a decision, the general operations of the Council or the Council as a body should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be fully investigated.

The complaint shall first be considered by the Town Clerk and the Chair of the Town Council who shall seek to resolve the issue or explain the background to the decision.

Should it not be possible to resolve the complaint, it shall be referred to the relevant committee for consideration or, at the discretion of the Chair, be referred to full Council. The complainant shall be invited to address the committee/Council to outline the background to the complaint.

Following the conclusion of the meeting, the complainant will be advised that the decision of the Committee, which is final with no right of further appeal, will be confirmed in writing within 7 days together with details of any action to be taken.

As general policy the public and press are not permitted attendance at these meetings, although the Chairman will report on the outcome of the meeting at the following full Council meeting, if appropriate, in part 2 of the agenda.

Records shall be kept detailing all complaints, actions undertaken and the outcome.

Putting things right

If, following the investigation into the complaint, the Council is found to be at fault, every effort will be made to resolve the complaint to the satisfaction of the complainant.

What if you are not satisfied?

Unlike for District or County Councils, there is currently no external agency or government body which can investigate a complaint if you are not satisfied with the initial consideration of your complaint. However, if you are not satisfied with action taken by the Town Clerk, you should write to the Chair of the Town Council at our address.

What if I have a complaint about the behaviour of a particular Councillor (or Councillors)?

Councillors are required to observe a 'Code of Conduct'.

The Town Council does not consider formal complaints about its Members. If you feel a Councillor has broken any of the rules in the Code of Conduct, you can submit your complaint to the Monitoring Officer of Warrington Borough Council, details as follows:

Matthew Cumberbatch
Head of Legal and Democratic Services and Monitoring Officer
Tel: 01925 442150
Email: monitoringofficer@warrington.gov.uk

You will need to complete the Member Complaint Form which can be downloaded in pdf format from the following link: https://www.warrington.gov.uk/info/201197/contact_us/756/complaints_procedure/4

Written complaints:

Standards Committee, West Annexe, Town Hall, Sankey Street, Warrington, WA1 1UH.
For more information download and read the ***Councillor Complaints Procedure***.

If you require any of the above forms or information sheets in an alternative format please contact Warrington Borough Council's Democratic Services. Tel: 01925 442144 Email: akellock@warrington.gov.uk

What type of behaviour is covered by The Code of Conduct?

There are seven Nolan principles which apply to the conduct of people in public life. They are:

- Selflessness: you should act in the public interest
- Integrity: you should not put yourself under any obligations to others, allow them improperly to influence you or seek benefit for yourself, family, friends or close associates
- Objectivity: you should act impartially, fairly and on merit
- Accountability: you are accountable to the public for your decisions and actions and should submit yourself to the scrutiny necessary to ensure this
- Openness: you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure
- Honesty: you should always be truthful
- Leadership: as a Councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour.

A full copy of the Code of Conduct is available from our offices or on our website

<http://www.birchwoodtowncouncil.org.uk/council/code-of-conduct>

Assistance or Advice relating to procedures or a complaint

If you need any specific help or general guidance about the Council's procedures or about any specific complaint, contact the Town Clerk at Birchwood Town Council, Parkers Farm, Delenty Drive, Birchwood, Warrington WA3 6AN, telephone 01925-819440 or email clerk@birchwoodtowncouncil.org.uk

Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to proceed 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 Clerk with a summary of the issues and of the attempts made to resolve the complaint. She 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.

Anonymous Complaints

Anybody communicating with the Parish Council is expected to provide their full name and a postal address.

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

Resolution and Remedies

The aim in dealing with all complaints is to reach a resolution for 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 Clerk to make any final decision regarding remedy unless such remedy involves the payment of a financial sum in which case a resolution of the Council will be required).

An explanation or an apology will always be needed.