



Office Hours
Monday to Friday
9am - 3pm

CHUDLEIGH TOWN COUNCIL

CHUDLEIGH TOWN HALL
MARKET WAY
CHUDLEIGH
NEWTON ABBOT
DEVON TQ13 0HL
Tel: 01626 853140
Email: Clerk@chudleigh-tc.gov.uk
Clerk: John Carlton

Policy for Handling Complaints

1) This policy has been prepared in accordance with the NALC Legal Topics issue dated June 2014. Although the Local Government Ombudsman (LGO) in general has no jurisdiction in respect of local councils it is recommended by NALC that local councils document a complaints procedure. The LGO's definition of a complaint includes:

2) A complaint is an expression of dissatisfaction about the council's action or lack of action or about the standard of service, whether the action was taken by the council itself or a person acting on its behalf.

A complaint may also be triggered by an allegation of administrative fault such as not following procedures or standing orders, inadequate service, no service, delays or making a mistake.

3) If a complaint is made against Chudleigh Town Council (the council), individual member(s) of the council or staff are likely to be the subject of the complaint. However, any such complaint will be treated as a complaint against the council and not any individual.

If the complainant seeks redress for personal injury, damage to property or other financial loss or the council could be liable in law to pay damages or provide some other legal remedy then legal instructions will be taken from insurers and legal advisers as appropriate.

The council's complaints procedures is open to organisations such as an allotment tenants' association as well as residents of the town.

It is however, in the interests of the complainant and the council to try to resolve the matter informally rather than deferring to the council's complaints procedure

4) A complaint against the council which concerns the conduct of its employees must be handled in accordance with its complaints procedure –see appendix 1, which may lead to disciplinary actions in accordance with the council's disciplinary procedures.

5) Local residents have a statutory right to object to council's annual accounts and where there is an allegation of criminal activity the complainant may report the matter to the police. If a resident is unhappy with the council's response to a request for information then he may take his complaint to the Information Commissioner.

6) Members are free to raise matters of concern in respect of the council's business initially through the Town Clerk who will raise the matter with the appropriate committee or request that the member puts a motion to a council

7) If a member has a complaint against a member of staff it should be raised with the Town Clerk who will discuss the matter with the appropriate line manager and, if necessary, the appropriate committee.

8) The LGO confirms that a good complaints system is as set out below, and this will be followed by the council:

- well publicised and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective
- based on clear procedures and defined responsibilities;
- thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;

- sensitive to the special needs and circumstances of the complainant
- adequately resourced;
- fully supported by councillors and officers;
- provides responses that are proportionate; one size does not fit
- timely
- regularly analysed to spot patterns of complaint and lessons for service improvement.

9) Formal complaints should be submitted in writing and the council has designed a form for this purpose to include all relevant information. - see appendix 3

10) Once submitted to the council a complaint should be processed through written communications, although if it is appropriate the complainant may be invited to make verbal representations. If the complainant wishes to take the opportunity to attend a meeting it should be with the appropriate officer(s) in the first place or with the appropriate committee chair.

11) A complaint must be investigated even if the complainant is unable to supply all the evidence needed to support the complaint and the proposed timing of a reply to the complainant will be advised to him.

12) The LGO recommends that any complaints procedure should be in two stages to allow an appeal, but it is noted that the fairness and timeliness of the council's reply is more important than the number of stages. The LGO recommends that it should if possible take no longer than 12 weeks from receipt to resolution and the council will adhere to this.

13) All complaints should be addressed to the Town Clerk who will discuss the matter with the appropriate line manager and if necessary with the appropriate committee

14) Data Protection and Confidentiality

In accordance with the Data Protection Act 2018 the council cannot disclose the identity, contact details or other personal data about an individual complainant unless he consents or disclosure is otherwise fair and lawful under the 2018 Act. The identity should only be disclosed to those in the council who need to consider the complaint.

15) A complaint against the council is personal to the complainant and should be treated as confidential unless he waives his right to confidentiality. Any meeting called to consider the complaint will need to exclude the public.

16) Determination of Complaints and Remedies

a) If a complainant has threatened to take legal action against the council or legal proceedings have already begun the council will take professional advice on how to respond to the complaint. Such advice would encompass any remedial steps the council may wish to take should the complaint be upheld

b) If the council upholds a complaint it will, where possible, avoid an admission of wrongdoing. If the complainant subsequently decide to take legal action against the council an admission of wrongdoing may expose the council to legal liability.

c) If the council upholds a complaint, it may be appropriate to give the complainant an explanation of the matters complained of. It may decide to apologise to the complainant and explain the steps being taken to rectify the matters being complained of and it may offer a remedy which as far as possible puts the complainant back in the position he would have been in but for the matters complained of.

d) Any offer or acceptance of financial compensation must confirm that the council's payment is full and final settlement of the dispute and any claims the complainant has against the council and without admission of liability.

e) If it is not appropriate for the council to offer compensation for some or all of

the financial loss suffered by the complainant, it may, as an alternative, make an offer of goodwill or some other gesture such as the use of a facility by a club for a period for free or at a reduced rate.

John Carlton
Town Clerk
30 May 2022

Appendix 1 – Outline Complaints Procedure for use in complaints against the council

Before processing a complaint

i) All formal complaints against the council must be communicated in writing and the council has designed a standard form to be used by the complainant when submitting the complaint.

ii) The complainant will be asked if he wishes the complaint to be treated confidentially and this must be clear on the complaints form. Even if he does not, the Data Protection Act 1998 imposes obligations on the council to safeguard against unlawful disclosure of personal data.

iii) The council's written complaints procedure will be publicised and accessible through the council's website. It shall include:

- the requirement to submit a complaint in writing using the council's complaint form
- the postal and email address that the complaint may be sent to for the attention of the Town Clerk, or if the complaint is against the Town Clerk the appropriate details for submission to the Town mayor
- that receipt of the complaint will be acknowledged within 5 working days
- who will be dealing with the complaint, officer by name or committee.
- the planned timetable for investigating and determining the complaint

- whether there is an opportunity for the complainant to make verbal representations (and bring a friend when doing so)
- whether there is any opportunity to appeal the outcome of the complaint and an explanation of the appeal process.

Receipt of the complaint

- i) The council will need to investigate the facts of the complaint and collate relevant evidence
- ii) If the complainant is to be invited to make verbal representations he should be invited to a meeting with the town clerk or nominated officer or a meeting of the appropriate committee. Any new relevant information discovered prior to such a meeting must be notified to the council or complainant as the case may be.

Meetings with the complainant (if applicable)

- i) Whosoever is representing the council at a meeting with the complainant will explain at the outset of the meeting how the meeting will proceed.
- ii) The complainant will be invited to outline the grounds for complaint and thereafter questions may be asked by the council's representative(s) who will then explain the council's position and the complainant will then have the opportunity to ask further questions.
- iii) Each side should then summarise their respective positions.
- iv) The complainant should be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

After the complaint has been decided

- i) Within the timeframe specified within the complaints procedure the council shall write to the complainant to confirm whether or not it has upheld the complaint. The council shall give reasons for its decision together with details

of any action to be taken by the council if this is appropriate. If it is decided to allow an appeal within the procedure the complainant will be notified of the right to appeal the decision.

APPENDIX 2: MAKING A WRITTEN COMPLAINT

Your Guide to Making a Complaint

Over the years the Council has earned a reputation for providing a good, courteous and prompt service. However mistakes can happen and when they do we will:

- take them seriously;
- treat you with courtesy;
- investigate fully and promptly;
- provide you with a full explanation;
- put matters right as far as we can;

From time to time there will be occasions when our service, or the way we respond to you, falls short of your expectations and when this happens we need you to tell us we can try to put things right.

If You Have a complaint about any council service you can contact the Council either by a visit or telephone. You can also complete the complaint form overleaf and send it to:-

John Carlton,
Town Clerk
Chudleigh Town Council,
Town Hall,
Market Way,
Chudleigh,
TQ13 0HL

Tel: 01626 853140

Email: Clerk@chudleigh-tc.gov.uk

If you feel your complaint has not been dealt with adequately – please contact the Town Clerk again, explaining your reasons for your on-going concerns.

Your complaint will be acknowledged within five working days and you will be told how long you can expect to wait before receiving a reply. If you remain dissatisfied with the written reply, write to the Town Mayor at the address above who will acknowledge your letter within five working days and will investigate your complaint

Complaint Form

Complete this form by giving brief details of your complaint and deliver it by hand or by post to the Town Council Office (Officers of the Council will help you complete this form if necessary).

Your Name:

Your Address:

Your Telephone Number:

E-mail Address (if applicable):

What do you think the Council did wrong or failed to do?

How would you like the matter to be resolved?

What is the name of the person you contacted?

Have you complained to the Council about this before? If so when, and what was the outcome?

Signed:

Date: