



St Ives Town Council

Twinned with Stadtallendorf

Town Clerk: Alison Benfield BA (Hons) FSLCC

Town Hall, Market Hill, The Old Riverport, St Ives, Cambridgeshire, PE27 5AL
Telephone: 01480 388929

Email: clerk@stivestowncouncil.gov.uk

COMPLAINTS POLICY

A complaint is an expression of dissatisfaction about the Council's actions or lack of action, about the standard of a service, or about an administrative fault such as not following procedures, standing orders, or making a mistake. This applies whether the action was taken, or the service provided, by the Council itself or a person or body acting on behalf of the Council.

The Complaint Procedure is for residents who live in or near the Council's area, and who are affected by the Council decisions. It is also for other individuals or organisations or unincorporated bodies, affected by Council business.

The Complaints Policy does not relate to complaints received about services delivered by any other body.

1.0 Introduction

- 1.1 The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Code to ensure that complaints are properly and fully considered.
- 1.2. Where the complainant alleges financial irregularity, local electors have a statutory right to object to the external auditor and will be referred to this body.
- 1.3 Where the complainant alleges criminal activity, the matter will be referred to the police.
- 1.4 The Town Council does not consider formal complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by Huntingdonshire District Council's Monitoring Officer.
- 1.5 All other complaints should be addressed to the Town Clerk and will be dealt with promptly to maintain public confidence.
- 1.6 Should the complaint be about the Town Clerk; it should be addressed to the Town Mayor.





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- 1.7 A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish pertinent facts.

2.0 Informal Complaint

- 2.1 The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged.
- 2.2 An informal complaint is made to the Town Clerk who will liaise with the complainant and relevant members/officers to seek resolution.
- 2.3 Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint.
- 2.4 Should, in the opinion of the Town Clerk or Town Mayor, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.
- 2.5 The Town Clerk shall maintain logs of informal complaints about staff and the Council.
- 2.6 There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

3.0 Formal Complaints

Where possible, the Town Council would wish to solve any complaint informally prior to a formal complaint being lodged.

All formal complaints shall be acknowledged within 10 working days. Complainants shall be provided with routine updates on the progress of investigating ongoing complaints.

Formal Complaints about Councillors

- 3.1 The Town Council does not consider formal complaints about its members.
- 3.2 Members are required to comply with an adopted Code of Conduct.





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- 3.3 A formal complaint about a member should be addressed to the Monitoring Officer of Huntingdonshire District Council who will arrange the investigation of the complaint. Huntingdonshire District Council has its own policies for dealing with such complaints.
- 3.4 The contact details for the Monitoring Officer are:

The Monitoring Officer
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

Email: CodeofConduct@huntingdonshire.gov.uk

4.0 **Formal Complaints about Officers/Employees**

- 4.1 Formal complaints about an employee of the Town Council must be made in writing to the Town Clerk setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 4.2 Complaints will be referred to the appropriate Line Manager and be processed in accordance with the council's disciplinary policy.
- 4.3 Complaints about the Town Clerk must be made in writing to the Town Mayor, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 4.4 The complainant will be informed that the complaint will be progressed under the council's disciplinary policy and at the end of the process will receive a response to the complaint.

5.0 **Formal Complaints about the Council, Committees or Decisions**

- 5.1 Complaints about the activity or decisions of the council should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.





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- 5.2 The Council will only consider complaints about its formal (council/committee) decisions where the complainant puts forward missing information or evidence to suggest that the council has erred in its decision making.
- 5.3 The complaint shall first be considered by the Town Clerk, Town Mayor and Chairman of the relevant Committee who shall seek to resolve the issue or explain the background to the decision. The panel may escalate the complaint to the appropriate committee or Full Council should they consider they are unable to resolve it.
- 5.4 Should the complainant be dissatisfied with the response from the panel, the panel may at its discretion refer the complaint to the appropriate committee or Full Council where the complainant will be invited to address the meeting.
- 5.5 Should the matter still not be resolved then the complaint shall be escalated to an Appeals Panel. Members involved in the original decision will not participate in the determination of an appeal. The Appeal's Panel Findings will be final.
- 5.5 Records shall be kept detailing all complaints, actions undertaken and the outcome.
- 5.6 In all instances, the Council will comply with its obligations under the Data Protection Act 1998. The complainant has the right to confidentiality unless they waive their right.

6.0 Vexatious complaints and complainers

- 6.1 A vexatious complainant is one who persists unreasonably with their complaints, and or makes complaints to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.
- 6.2 If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.
- 6.3 If a complainant is to be classified as vexatious, they will be informed so and given a timescale of how long this will remain the case.
- 6.4 Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.





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- 6.5 If a complainant is deemed by the Town Clerk to be taking up a disproportionate amount of the Town Council's time to resolve multiple issues, the Clerk will ask the Council to become a dedicated responder to the complainant either by addressing these complaints at full council or by delegating this duty to an individual Council Member. If Council or an individual Member become a dedicated responder in these circumstances the usual 20 working days response time will not apply.

How to make a complaint

7.0 First Stage

7.1 You should raise your concern or complaint:

- In person: The Town Hall
- By phone: Call 01480 388929. Whoever answers will take the details and make sure that the best person follows it up. In some cases, they may ask you to confirm details in writing.
- By email: clerk@stivestowncouncil.gov.uk
- In writing: Town Clerk, Town Hall, Market Hill, The Old Riverport, St Ives, PE27 5AL

7.2 Alternatively you may address it to the Mayor:

- By email: civic@stivestowncouncil.gov.uk
- In writing: Town Mayor, Town Hall, Market Hill, The Old Riverport, St Ives, PE27 5AL

7.3 We have processes in place to ensure that in special cases (see later), there is a different procedure to ensure that your complaint is considered fairly. For example, if you are complaining about a particular individual, another person will deal with your complaint. The Town Clerk or Mayor will ensure that the matter is referred to an appropriate individual or Panel for investigation.

7.4 If we require information, we will contact you to obtain this.

7.5 In many cases the matter will be easily resolved and usually within 5 working days. However, the complexity of the complaint and/or absence of key staff may mean that the





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query takes up to 20 working days to resolve. If there is going to be a delay beyond this due to the need to seek external advice or extended staff absence, we will write to you confirming the delay and the reason behind it. It will only be in exceptional circumstances that we would take longer than 20 working days to resolve a matter.

- 7.6 When we have concluded our investigation, we will explain to you, in writing, either that:
- we think the Council got it wrong and how we propose to put it right
 - we think the Council was right and why.

In either case we will explain that if you are unhappy with the Council's conclusion you have the right of appeal within 21 days of receiving the letter.

8.0 Appeal Stage

8.1 Except in special cases (see later), Appeals will be considered by the Council's Appeal Panel which consists of three councillors appointed on an annual basis to consider appeals under this procedure.

8.2 The Panel will consider:

- all the information previously provided by you
- any further information you may wish to provide explaining why you feel the first stage decision is unfair, and
- information collated by the Council that led to the response you received.

8.3 The Panel will also question the Council's officers and any Councillors who have information on the issue, where they feel this is necessary to ensure a fair outcome.

8.4 The Panel also has the right to obtain professional advice and/or commission an independent investigation of any aspect.

8.5 Once they reach their conclusion, they will write to you explaining their decision and, if relevant, how they propose to put it right. They will provide a full report to Council detailing the findings of their investigation and their decision. The Appeal Panel response will be final.

9.0 Consequential actions





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9.1 A report will be presented periodically to the Council outlining the actions taken on complaints that have been upheld, to ensure such issues do not recur.

10.00 Special Cases

In any of the following Special Cases we will inform you of what is happening and the likely timescale.

10.01 **Complaints by an employee of the Council about the Council’s actions as an employer.**
These will be dealt with under the Council’s staff grievance procedure.

10.02 **Complaints alleging misconduct by an employee**
If necessary, these will be split into two elements. The alleged misconduct will be dealt with first under the Council’s disciplinary procedure. The Council may only be able to consider any resultant impact on yourself, or others once this has been completed.

10.03 **Complaints alleging a Criminal Offence (see 1.3)**

10.04 **Persistent or Vexatious Complaints and Complainers (see 6.0 – 6.5)**

Please also see the Council’s Vexatious and Persistent Complaints policy.

Responsible Officer	Town Clerk	Date effective from	January 2022	Review date	January 2024
Author	Town Clerk	Date last amended	January 2022		

