

**Complaints Procedure  
Council 16 December 2014**

**RECOMMENDED**

- (i) That the Complaints Procedure as attached to this report as Appendix 1 is approved and adopted with immediate effect
- (ii) That a Complaints Panel is established with the terms of reference as at Appendix 2

**Appendices to this report**

1. Draft Complaints Procedure
2. Complaints Panel Terms of Reference
3. Existing Complaints Procedure

**Contextual Information**

1. The Council's existing complaints procedure (Appendix 3) has not been reviewed for a number of years and does not meet best practice as suggested by the National Association of Local Councils and the Local Government Ombudsman.
2. Based upon a National Association of Local Councils model complaints procedure, the Town Clerk has drafted a new procedure for Council to consider which includes timescales and provision for a small group of Councillors to determine complaints.

Report prepared 10. December 2014

For further information contact The Town Clerk: Tel 01460 52149

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**Background Papers**

NALC Legal Topic Note 9E

NALC Model Complaints Procedure



# **Ilminster Town Council**

## **COMPLAINTS PROCEDURE FOR USE IN COMPLAINTS AGAINST THE COUNCIL**

**Approved and Adopted By Council on**

**The following procedure has been adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.**

**This procedure does not cover complaints about the conduct of a Member of the Town Council. Such complaints should be made through South Somerset District Council.**

**The Town Council will do its best to handle complaints as quickly as possible and as a guide it should take no longer than 12 weeks from the receipt of the complaint to the Complaints Panel advising its decision.**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk. If the complaint is only notified orally to a councillor, or to the clerk to the council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
2. If the complainant does not wish to put the complaint to the Town Clerk, he or she should be advised to address it to the Mayor.
3. The Town Clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the complaints panel. The complainant should also be advised whether the complaint is likely to be treated as confidential and how notice of it will be given on an agenda
4. The complainant shall be invited to attend the Panel meeting and to bring with them a representative if they wish.
5. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

#### **At the Meeting**

6. The complaints panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the panel meeting in public.
7. The chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii) members.

9. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
10. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
11. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
12. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision, but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

#### **After the Meeting**

13. The decision should be confirmed in writing within seven working days together with details of any action to be taken.
14. The decision of the Complaints Panel is final.
15. Any decision made by the Complaints Panel will be reported to Council for information.

## Complaints Panel

**Number Of Members:** 3

(Note: there is not a standing membership for this Panel, it will be convened by the Town Clerk in consultation with the Mayor and Deputy Mayor with the membership to be drawn from all Councillors but to include at least 1 Committee Chair)

**Frequency Of Meetings** Ad Hoc – when required

**Open To The Press And Public** Given the purpose of this Panel it is likely that a resolution would be passed to exclude the press and public from the meeting

**Quorum** 3

**Overall Purpose / Scope** To consider and determine complaints

### Specific Responsibilities

1. \*To consider and determine complaints about the Council's administration or its procedures.

**ILMINSTER TOWN COUNCIL**

**COMPLAINTS PROCEDURE**

Any individual having a complaint against action of a member of staff will refer the matter in the first instance to the Town Clerk.

If the grievance cannot be resolved satisfactorily or if the complaint is against action of the Town Clerk and cannot be resolved satisfactorily, the issue should be referred to the Council via the Mayor.

The Council will normally be the final arbiter of a complaint unless it relates to an issue which is capable of referral to a higher authority – e.g. Ombudsman, Information Commissioner.

The mechanism for dealing with complaints against a Councillor are covered in the Code of Conduct.