



## COMPLAINTS PROCEDURE

### WRITTEN BY:

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### REVIEWED:

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### APPROVAL DATE:

Finance Strategy & Management Committee – 25 January 2022

Town Council – 8 February 2022

### REVIEW DATE:

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## INTRODUCTION

1.1 This complaints procedure is for all complaints to the Council, whether these are minor, serious or formal, and apply to all services provided by the Council. Separate arrangements as prescribed by law are in place in respect of Councillors. These arrangements are referred to below.

1.2 The Council believes that complaints can provide useful information and feedback on the quality of services, policies and practices. The effective handling of complaints will help us to improve the services we provide on behalf of residents, visitors and those working in the town.

## OBJECTIVES OF THE POLICY

2.1 The aim of this policy is to ensure that complaints are dealt with swiftly, in an impartial manner, and that the Town Council is transparent and accountable in the relationships with its customers.

## PROVISIONS

### 3.1 Definition of Complaints

People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by Biddulph Town Council or any of its employees.

More specifically, a complaint is where:

- The Council has not done something it has a duty to do or normally does;
- The Council has done something it has no right to do or does not normally do as a matter of established practice;
- The conduct or behaviour of an employee is unsatisfactory;
- 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.

### 3.2 What to do if you have a complaint

The first priority is to raise the issue with the Town Council. To do this, please contact the Chief Officer who is the officer responsible for dealing with these matters, as quickly as possible. Your complaint should be made by telephone, e-mail, in person or in writing, giving names and addresses and relevant dates, with as much information as possible. The contact details for the Chief Officer are detailed below.

Biddulph Town Council  
Biddulph Town Hall  
High Street

Biddulph  
Staffordshire  
ST8 6AR

Tel 01782 498480 E-mail [office@biddulph-tc.gov.uk](mailto:office@biddulph-tc.gov.uk)

In many cases, it will be possible for an issue to be dealt with straightaway and the source of the complaint resolved immediately.

For more complex issues, it may be better to put these in writing so that 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 **fifteen** working days.

The Town Council maintains a register of complaints showing dates, details of the complaint, complainant, and the action taken to resolve the issue. This is available to all members of the Council to inspect. All complaints will be reported to Councillors.

If the complaint involves the Chief Officer personally, the complainant should address the complaint directly to the Town Mayor, care of the Town Hall.

### **3.3 Putting Things Right**

If, following 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.

Where subsequent actions or simply the passage of time prevents restitution, other actions may be appropriate which may include a local settlement. A local settlement is defined as action taken to restore a complainant to a situation he or she would have been in if the fault had not occurred.

When considering a local settlement, the remedy will need to be appropriate to the injustice and may be reduced where a complainant has contributed to the injustice suffered.

### **3.4 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 the action taken by the Chief Officer, you should write to the Town Mayor at the address above, who will review the complaint, and all paperwork relating to it. If felt appropriate, the Mayor will submit the complaint to a Committee of the Council for consideration.

In order to manage any confidentiality issues, the Committee of the Council will normally deal with your complaint in private session and your details will not therefore be released publicly.

### **3.5 What if I have a Complaint about the Behaviour of a particular Councillor (or Councillors)**

Councillors are required to observe a 'Code of Conduct'. If you feel a Councillor has broken any of the rules in the Code of Conduct, you can complain to Staffordshire Moorlands District Council (SMDC).

SMDC has a dedicated Standards Committee to deal with complaints. The composition of committee reflects political balance; Independent Persons and parish representatives can attend the Committee and act in an advisory capacity.

SMDC has scope for seeking local resolution rather than formal investigation. There is a criteria for determining if a case warrants formal investigation – “tit for tat” and anonymous complaints unlikely to be investigated. In addition, there is a clear emphasis on identifying and resolving underlying issues.

Further information can be found at:

<https://www.staffsmoorlands.gov.uk/Councillor-Information>

### **3.6 What type of behaviour is covered by the Code of Conduct**

Broadly, the Code requires Councillors:

- Not to discriminate unlawfully
- To treat others with respect
- Not to do anything to compromise the impartiality of council employees
- Not to disclose confidential information
- Not to stop anyone gaining access to information they are entitled to
- Not to conduct themselves so as to bring their office or the Council into disrepute
- Not to use their position to improperly secure an advantage, or disadvantage, for anyone
- Not to use the Council's resources for unauthorised political purposes
- To declare any personal or prejudicial interest, in any matter that comes before the Council and, if appropriate, not take part in the decision. Where the interest declared is deemed to be prejudicial, Councillors are not to take part in the decision on that matter.
- To register certain financial and other interests (a copy of the register is available for public inspection).

### **3.7 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 Chief Officer at Biddulph Town Hall, telephone 01782 498480, e-mail [office@biddulph-tc.gov.uk](mailto:office@biddulph-tc.gov.uk)

### **3.8 Dealing with Litigation**

Biddulph Town Council is committed to ensuring that robust governance arrangements are in place in the operation of its business and wishes to ensure that there is consistency in dealing with claims across the organisation.

Whilst claims are not common place, it is recognised that things can or may go wrong, or not as planned. The Town Council aims to:

- Learn from the claims experience and transfer that learning across all services in order to contribute to the agenda of continual improvement.
- Provide a satisfactory outcome for claimants and staff and, where possible, restore and increase public confidence in the Town Council and the services provided.
- Minimise costs to the Town Council, including legal costs.

All claims must be received in writing (contact details included in 3.2), including details of the individual making the claim and information about the alleged incident.

The Town Council will always seek advice from their insurers (following an initial investigation) and will not normally engage directly in discussions in relation to the investigation of claims.