

HUNGERFORD TOWN COUNCIL

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Complaints procedure

Hungerford Town Council takes all complaints and feedback seriously. It is committed to making full use of the information it receives to contribute to continuous service improvement.

1. **Definition of a complaint**

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service - whether the action/service was taken or provided by the Council itself or a person or body acting on behalf of the Council.

Pursuant to the Local Government Act 1972, the Local Government Ombudsman has no jurisdiction over parish and town councils in England.

What the Complaints Procedure will deal with: -

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- Failure to provide advice or information when reasonably requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

What the complaints procedure will not deal with: -

In certain circumstances it may be appropriate for bodies other than Hungerford Town Council to deal with the complaint, as detailed below.

| Type of Conduct | Refer to |
|------------------------|---|
| Financial irregularity | Statutory right to object to Council's audit of accounts. On other matters the Council may need to consult its auditor/Audit Commission |
| Criminal activity | The police |
| Member conduct | If the complaint relates to a failure to comply with HTC Code of Conduct, it must be submitted to the Monitoring officer at West Berks Council as only the principal authority can deal with such complaints. |
| Employee conduct | Internal disciplinary procedure |

2. Informal Complaints

It is not appropriate to deal with all complaints from members of the public under the formal complaint's procedure. It is hoped that less formal measures or explanations provided to the complainant by the Clerk, or appropriate officer will resolve most issues raised by a member of the public. A complainant may notify a complaint orally to a Councillor or member of Hungerford Town Council staff. This will be recorded as a complaint and passed to the appropriate officer to investigate.

3. Procedure to follow for Handling Formal Complaints

STAGE 1

If the complainant remains unsatisfied with the response, they shall be requested to put his/her complaint in writing to the Proper Officer of the Council. If a complainant indicates that he/she would prefer not to put the complaint to the Proper Officer of the Council, then he/she should be advised to put it to the Chairman of the Council (The Mayor). **An acknowledgement will be sent within 2 working days.**

STAGE 2

The Proper Officer of the Council or the Chairman of the Council, shall try to settle the complaint directly with the complainant within 14 working days of receipt of complaint, but shall not do so without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. If the investigation of the complaint is likely to take more than 14 working days, the complainant will be notified together with a reason for the extended investigation period. Where the Proper Officer to the Council receives a written complaint about his/her own actions, he/she shall immediately refer the complaint to the Mayor as Chairman of the Council.

STAGE 3

Right of referral if unresolved. The formal response to the complaint must also advise the complainant that, if having received a full response to the complaint, the issue remains unresolved, the complainant has the right to request, within 28 working days, that the matter should be referred to

- a) The Committee responsible for the service or function
- b) The Staff Committee in the case of a member of staff
- c) The Mayor and two other councillors

A decision made by (a), (b) or (c) shall be considered final and the complaint will be considered closed. If the complainant does not respond within 28 working days, the complaint may be considered closed.

Exclusion of public/press. If the Complainant responds and requests the matter be referred to a), b) or c) the Town Clerk should consider whether the circumstances warrant the matter being discussed in the absence of the press and the public. If the matter is such that the Town Council or the Proper Officer believes that the matter may lead to a disciplinary hearing, then the matter must be heard with the press and public excluded.

Entitlement to employee representative. If the complaint is against any employee, even if the matter is being dealt with initially out of the context of the formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations

Act 1999 s.10. The matter before the Council in this case will be to establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.

Code of conduct complaints should be dealt with by the monitoring officer. Members conduct is governed via Localism Act 2011. Complaints relating to a member's conduct are dealt with via S28(7). This means ONLY the principal authority can deal with this type of complaint against a town council member.

STAGE 5

The Complainant will be notified, in writing, of the final decision within 14 working days of the meeting.

4. **Unreasonable and Vexatious Complaints** In the event of serial facetious, vexatious or malicious complaints from a member of the public the council will consider taking legal advice before writing any letters to the complainant. If new evidence is provided it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint and needs to be dealt with as a new complaint.
5. **Anonymous Complaints** Anonymous complaints will be disregarded.