

KIDSGROVE TOWN COUNCIL



Complaints Procedure and Policy

June 2020

Kidsgrove Town Council

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INTRODUCTION

1.1 The Town Council is not subject to the jurisdiction of the Local Government Ombudsman and has adopted this policy to give clarity to the public to ensure complaints are properly and fully considered.

1.2 The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman but has adopted this Code to ensure that complainants are properly and fully considered.

1.3 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 the Newcastle-under-Lyme Monitoring Officer.

1.4 All other complaints should be addressed to the Town Clerk and will be dealt with promptly to maintain public confidence. The Town Council aims to resolve complaints within 12 weeks from receipt if possible.

1.5 Should the complaint be in regard to the Town Clerk, it should be addressed to the Town Mayor.

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

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 There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

FORMAL COMPLAINTS

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

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.

3.3 A formal complaint about a member should be addressed to the Monitoring Officer of Newcastle-under-Lyme Borough Council who will arrange the investigation of the complaint. Newcastle-under-Lyme Borough Council has its own policies for dealing with such complaints.

3.4 The contact details for the Monitoring Officer are:

The Chair of the Assessment Sub-Committee,
The Standards Committee,
C/o the Monitoring Officer,
Newcastle-under-Lyme Borough Council,
Castle House,
Barracks Road,
Newcastle-under-Lyme,
Staffordshire
ST5 1BL

Telephone: 01782 742122, 01782 742201

E-mail: membercodeofconduct@newcastle-staffs.gov.uk

FORMAL COMPLAINTS – GENERAL PROCEDURE

4.1 All formal complaints must be made in writing to the Clerk except in the case of 5.3 – Complaints against the Clerk.

4.2 The complainant must indicate whether the complainant is to remain confidential or not.

4.3 The receipt of the complaint will be acknowledged by the Town Council within 5 working days along with a confirmation of the next steps and suggested timeframe.

4.4 The Council will investigate the facts and collate any evidence. The complainant may be asked for more information, to attend a meeting or to present their complaint to a committee or Full Council.

4.5 The complainant will be advised of any decision and whether their complaint is upheld along with reasons within 12 weeks wherever possible.

FORMAL COMPLAINTS ABOUT OFFICERS/EMPLOYEES

5.1 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.

5.2 Complaints will be referred to the appropriate Line Manager and be processed in accordance with the Council's Disciplinary procedure.

5.3 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.

FORMAL COMPLAINTS ABOUT THE COUNCIL, COMMITTEES OR DECISIONS

6.1 Complaints about a decision, the general operations of the Council or the Council as a body should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.

6.2 The complaint shall first be considered by the Town Clerk, Town Mayor and, if applicable, Chairman of the relevant committee who shall seek to resolve the issue or explain the background to the decision. The complainant may be invited to a meeting with the Town Clerk and/or the Mayor to seek a resolution

6.3 Should it not be possible to resolve the complaint, it shall be referred to the relevant committee for consideration or, at the discretion of the Town Mayor, be referred to Full Council. The complainant may be invited to address the committee/Council to outline the background to the complaint.

6.4 Records shall be kept detailing all complaints, actions undertaken and the outcome.

6.5 If a complaint concerns alleged criminal activity by the Council, then the complaint should be directed to the police.

6.6 If a complaint concerns alleged financial irregularity, then local electors have a statutory right to object to a Council's audit of accounts.

VEXATIOUS COMPLAINTS

7.1 A vexatious complainant is one who persists unreasonably with their complaints or makes complaints in order 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.

7.2 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.

7.3 If a complainant is to be classified as vexatious, they shall be informed so and given a timescale of how long this will remain the case.

7.4 Should a vexatious complainant make a new complaint about new issues these will be treated on their merits

Minute Reference

Date:

Chair:

Clerk:

Review Date: May 2021