

**CODE OF PRACTICE  
FOR HANDLING COMPLAINTS**



**REDRUTH TOWN COUNCIL**

## **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

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# COMPLAINTS CODE OF PRACTICE

## INTRODUCTION

### 1. PRINCIPLES

Redruth Town Council aims to provide a courteous, prompt and efficient service to members of the public and organisations.

If you are not satisfied about any of the Council's services or how we have dealt with something we want you to tell us. Please let us know either by ringing us, calling in personally, emailing, or writing to us.

Not all queries, or concerns raised with us are complaints, and we are keen to ensure that any problems or misunderstandings that sometimes occur are dealt with effectively so that they do not develop into complaints. The Local Government Ombudsman offers the following 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 was taken or the service provided by the council itself or a person or body acting on behalf of the council."

Where a complaint is identified, the Code of Practice will be applied to make sure that it is resolved as speedily as practicable and that the outcome is generally acceptable to the complainant.

This Code of Practice is based upon the advice of the National Association of Local Councils (NALC), Legal Topic Note 09 – Nov 08.

### 2. PURPOSE

To allow people a choice of options in addressing the Council if they feel they have a complaint, or believe they have been unfairly treated in their dealings with Redruth Town Council.

#### 2.1 The Aims of the Complaints Procedure are to:

- Ensure complaints are investigated in an even handed and open manner;
- Resolve a complaint as swiftly as is practicable;
- Help secure improvements in the services provided by Redruth Town Council for those who live, work or trade in the area and those who visit the area.

#### 2.2 Key Objective

The key objective of the Code of Practice is to:

- Operate a procedure that is open and transparent.

### 3. COMPLAINTS PROCEDURES

#### 3.1 Who Can Complain to Redruth Town Council

The following users of the Council services:

- Members of the Public;
- Organisations (collective representation);
- Contractors or people providing a service to the Council.

#### 3.2 What You Can Complain About

- The Council's procedures and/or administration; or

- If you feel you have been unfairly treated in your dealings with Redruth Town Council staff, the Council or its Committees.

### **3.3 Complaints Not Appropriate for Redruth Town Council**

- Where there are statutory procedures for dealing with certain kinds of complaints, e.g. one of Financial Irregularity - the complainant should be referred to the Local Elector's statutory right to object to the Council's audit of accounts pursuant with s.16 Audit Commission Act 1998. Complaints about such matters should be dealt with under the statutory procedures and not through the Council's complaints system;
- If the complaint involves a potential insurance claim, then the Council will refer the matter to the Council's insurers and the complainant will be informed that this has been done;
- Complaints concerning an elected Member will usually be considered, in the first instance by the Monitoring Officer, Cornwall Council, County Hall, Truro, TR1 3AY (Tel: 01872 322120);

### **3.4 How To Make a Complaint**

- You can visit the Redruth Town Council Offices and talk to us, or write, in the first instance to: The Town Clerk, Redruth Town Council, The Chambers, Penryn Street, Redruth, TR15 2SP;
- Or ring us on: 01209 210038; or email: [admin@redruth-tc.gov.uk](mailto:admin@redruth-tc.gov.uk) to request a Complaints Form - Annex B;
- In order to be clear about the complaint and to ensure a thorough investigation we will ask you for full details of the complaint together with your contact details. This will allow for all the facts to be established and information collated;
- Should you need help filling out the Complaints Form, for example, if English is not your first language, one of the Council Staff will be pleased to assist you.,

### **3.5 What We Will Do When You Complain**

- Redruth Town Council will listen and record your complaint and make sure it is investigated promptly. We will also tell you who will handle your complaint;
- If we can sort out the problem right away, we will;
- If we need time to look into the matter we will let you know what we will do and when we will contact you again;
- We will give you the name and phone number of a dedicated Contact officer who you can contact about your complaint as this may not be the same person who is looking into it for you;
- We will acknowledge receipt of your complaint within three working days;
- If there is any delay we will explain why and tell you how long we expect the investigation to take - which, typically, will be within fourteen working days.
- Where the Town Clerk or Town Mayor receives a written complaint about their actions they will refer the complaint to the Council.

## **4. WHAT HAPPENS NEXT - THE APPEAL PROCESS**

### **4.1 If You Are Not Happy**

- Every effort will be made to resolve the complaint to the satisfaction of the complainant. However, if you are not happy with the response, and let us know in

writing within fourteen days, we will arrange to involve an elected Councillor in the formal Complaints Procedure process.

#### **4.2 Arranging a Complaints Appeal Panel**

- Members of a Complaints Appeal Panel are usually the Chairman of Finance & General Purposes Committee, together with two other Councillors and the Town Clerk who will meet the complainant in an attempt to resolve the matter to mutual satisfaction.

#### **4.3 The Procedure**

- Prior to any Complaints Appeal Panel meeting the complainant is required to put in writing to the Town Clerk details of their concerns about the Council's procedures and/or administration;
- Receipt of this will be formally acknowledged in writing and the complainant advised when the panel will meet and who will be sitting on it.

#### **4.4 Representation**

- A minimum two weeks prior notice of such a panel will be given; the complainant will be invited to bring a friend with them either to represent them or to give moral support;
- At the time the complainant is notified in writing of the panel date they will also be requested to present any material/documentation that they wish to give in evidence to the meeting no later than 7 days prior to the meeting. The Council will confirm that it will present any material it intends to present to the complainant within the same time scale.

#### **4.5 Reporting on the Outcome**

- After the meeting the complainant will be advised of the decision of the panel, and this will be confirmed in writing within 7 working days together with details of any action to be taken;
- The Chairman of Finance & General Purposes Committee will report on the outcome at the following Full Council meeting.

The order of business for the Complaints Appeal Panel meeting is in accordance with the NALC guidance in Legal Topic Note 09 (of 2008 Index - previously Note 06, 2005) - see Annex C.

### **5. IF YOU REMAIN UNSATISFIED - THE FINAL STAGE**

- If you are still not satisfied with the Complaints Appeal Panel response, you can ask for the decision to be reconsidered by stating clearly in writing why you disagree with the decision within seven working days of receipt of the Panel's decision.,
- Within fourteen days an Appeals Sub-Committee, consisting of the Town Mayor, the Deputy Town Mayor and the Vice Chairman of the most relevant Committee, or an appropriately representative group, will meet to consider your Appeal and to formulate a response from the Council;
- This will either confirm the decision of the Complaints Appeal Panel or, after considering fully the case of the complainant, revise the decision;
- The complainant will again be advised in writing, within three working days of the outcome of this final stage;
- This exhausts the Council's Complaints Policy.
- Local Government Ombudsman - local (town and parish) councils are not subject to the jurisdiction of the Local Government Ombudsman unless the complaint concerns

a matter on which the Town Council is taking action on behalf of the principal council, namely Cornwall Council. If your complaint relates to the Town Council carrying out such agency work, the initial approach should be to Cornwall Council. If it remains unresolved, the matter could be referred to the Local Government Ombudsman, details below:

The Local Government Ombudsman,  
Commission for Local Administration in England,  
The Oaks, Westwood Way, Westwood Business Park,  
Coventry, CV4 8J13  
Tel: 024 7682 0000

## **6. MANAGEMENT AND MONITORING OF COMPLAINTS**

- The Town Clerk is responsible for dealing with the management of the complaints procedure for the Council;
- All formal complaints will be recorded and monitored. Once a year there will be a report to the Finance & General Purposes Committee;
- The report will identify the number of complaints, the reason for the complaints, the length of time to resolve complaints, how complainant satisfaction was addressed and how the provision of services has changed as a result;
- The report will not identify individual complaints. It will draw attention to any trends, which suggest implications for the provision of services.

## **7. ALTERNATIVE FORMATS**

### **Disability Discrimination Act**

- In compliance with the *Disability Discrimination Act 1995* copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Office (see address below) or by telephoning *01209 210038* or e-mailing [admin@redruth-tc.gov.uk](mailto:admin@redruth-tc.gov.uk)
- The Council can also arrange to provide versions in other languages.

### **Freedom of Information**

- In accordance with the *Freedom of Information Act 2000*, this Document will be posted on the Council's Website [www.redruth-tc.gov.uk](http://www.redruth-tc.gov.uk)

**SUMMARY**

**MAKING A COMPLAINT: FLOWCHART**

**You can either**  
Call @ the Council Offices, write, phone, or email



**Our Initial Response**  
We will listen and record your complaint - if we can sort out the problem right away, we will;  
If we need to look into the matter we will let you know what we will do.



**If We Need to Investigate Further**  
To ensure a thorough investigation we will ask you for full details of the complaint together with your contact details;  
We will acknowledge in writing receipt of your complaint within three working days.



**If You Are Not Happy with Our Response**  
In such circumstances we will arrange a Complaints Appeal Panel. Its members will be the Chairman of Finance & General Purposes Committee together with two other Councillors and the Town Clerk who will meet the complainant in an attempt to resolve the matter to mutual satisfaction.



**If You Are Still Not Satisfied with the Council's Response**  
You can ask for the decision to be reconsidered by stating clearly in writing why you disagree with the decision;  
Within fourteen days the Appeals Sub Committee, consisting, usually, of the Town Mayor, the Deputy Town Mayor and the Vice Chairman of the most relevant Committee, will meet to formulate a response from the Council and advise you in writing.

**REDRUTH TOWN COUNCIL**  
**The Chambers, Penryn St, Redruth, TR15 2SP**

**COMPLAINTS FORM – Part 1**

<b>COMPLAINT DETAILS</b>	
My complaint is about:	
Please give details (use separate sheet if necessary):	
What do you want us to do to put things right?	
Have you complained about this subject before?	<b>Yes/No</b>
If "Yes", can you say when:	

<b>CONTACT DETAILS</b>	
<b>Title</b> (eg; Mr, Mrs, Miss, etc)	
<b>First Name</b>	
<b>Surname</b>	
<b>Address</b>	
	<b>Post Code</b>
<b>Telephone number</b> (will be helpful in case you need to be contacted)	
<b>Email address</b>	



**REDRUTH TOWN COUNCIL**  
**The Chambers, Penryn St, Redruth, TR15 2SP**

**COMPLAINTS FORM – Part 2**

<b>Complaint Received On: (date)</b>	
<b>From:</b>	
<b>Address:</b>	
<b>Tel No:</b>	
<b>By:</b>  <b>for REDRUTH TOWN COUNCIL</b>	Name:  Position:

<b>Action Taken:</b>	
<b>Immediate:</b>	
<b>Further action to be taken:</b>	
<b>Complaint resolved On: (date)</b>	
<b>Signed:</b>  <b>Date:</b>	  <b>for REDRUTH TOWN COUNCIL</b>

## **Guidance for Order of Business for a Complaints Appeal Panel Meeting**

### **Before the Meeting**

1. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
2. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the council.
3. The clerk or other nominated officer shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
4. The complainant shall be invited to attend a 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 council 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 council 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.

**Source:** National Association of Local Councils - Legal Topic Note 09 (of 2008 Index -previously Note 06, 2005)