

## SANDY TOWN COUNCIL

### Complaints Policy

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 was taken or the service provided by the Council itself or a person or body acting on behalf of the Council." (Local Government Ombudsman)

2 This policy sets out Sandy Town Council's policy and procedures for dealing with complaints from Members of the public or organisations about its **administration and procedures**. In the first instance complaints should be made orally or in writing to: The Town Clerk Sandy Town Council, and 10 Cambridge Road Sandy SG19 1JE. Any oral complaints should be followed up in writing.

3 Different arrangements apply for the following types of complaint:

Type of conduct	Refer to
<b>Financial irregularity</b>	<p>Local electors have a statutory right to object to the Council's audit of accounts pursuant to S16 of the Audit Commission Act 1998. Sandy Town Council's auditors are:</p> <p>Mazars LLP Salvus House Aykley Head Durham DH1 5TS</p> <p>and they should be contacted directly in the event of an objection to the accounts.</p>
<b>Criminal activity</b>	<p>Any complaints or allegations of criminal activity should be referred to the Police:</p> <p>Bedfordshire Police Woburn Road Kempston MK43 9AX</p>

<p><b>Complaints about individuals</b></p>	<p><b>Member conduct</b>  Complaints relating to a council member’s failure to comply with Sandy Town Council’s code of conduct must be submitted to Central Bedfordshire Council:</p> <p><i>The Monitoring Officer  Central Bedfordshire Council  Priory House  Monks Walk  Chicksands  Shefford  Bedfordshire  SG17 5TQ</i></p> <p><b>Employee Conduct</b>  Complaints about the individual behaviour of members of staff will be addressed using the Council’s internal disciplinary procedure.</p> <p>Complaints should be made in writing to:</p> <p>The Town Clerk  Sandy Town Council  10 Cambridge Road  Sandy SG19 1JE  01767 681491</p> <p><i>Or to</i></p> <p>The Town Mayor  Sandy Town Council  10 Cambridge Road  Sandy SG19 1JE  01767 681491</p> <p>if the complaint is about the behaviour of the Town Clerk</p>
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- 4 In the first instance, if an oral or written complaint is made to the Town Clerk, a Councillor or the whole Council, then the Town Clerk shall investigate the matter on behalf of the Council and report back to the complainant as promptly as possible. If Councillors are notified of oral complaints they will inform the Town Clerk within 2 working days. The Town Clerk will respond to complaints within 10 working days to provide an update, a final report or a reasonable timescale for when a final report on

the complaint and any remedy shall be made available. The Clerk will first attempt to settle all complaints directly with the complainant.

- 5 If the complainant is not satisfied with the outcome of the attempt to settle the complaint directly, then a further formal written complaint should be made in writing to the Town Clerk and the matter will be dealt with by the Complaints Committee of Sandy Town Council.
- 6 If the complainant does not wish to put the complaint in writing to the Town Clerk it should be made in writing to the Town Mayor.
- 7 The Town Clerk or other nominated officer will acknowledge receipt of the complaint within 10 working days and advise the complainant when the matter will be considered by the complaints committee. This Complaints Committee will have five members, which will exclude members of the HR Committee, and they will be elected at the annual meeting of the Town Council specifically for the purpose of hearing complaints. If members of the committee elected at the annual meeting are unable to participate in the complaints hearing for any reason (eg conflict of interest, absence) the Town Council will appoint alternative members to the committee.
- 8 Whenever possible the identity of the complainant will only be made known to those who need to consider the complaint. However the general nature of the complaint may be published on an agenda. The complainant will be advised about what information is to be made public at this stage. The complainant shall be invited to attend the meeting to hear the complaint and to bring a representative with them if they wish. The Council will do their best to accommodate a convenient meeting date for the complainant. Once agreed a meeting will not be rescheduled unless there are exceptional circumstances.
- 9 Both the Council and the complainant shall provide copies of any documentation or other evidence relied on to the other party seven clear working days prior to the meeting.
- 10 At the meeting the committee shall consider whether under the terms of Schedule 12a of the Local Government Act 1972 a complaint will be likely to disclose exempt information and warrant the exclusion of the public and press, pursuant to the provision of the Public Bodies Act 1960. Any decision on a complaint will be announced at the meeting in public.
- 11 If the meeting is in private session the following procedure will be followed:
  - 11.1 The chairman will introduce everyone and explain the procedure.
  - 11.2 The complainant (or representative) should outline the grounds for complaint and thereafter, questions may be asked by (i) the Town Clerk or other

nominated officer and then (ii) members. If the complainant (or representative) does not wish to speak the outline of the complaint provided in writing by the complainant will be used.

11.3 The Town Clerk or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant (or representative) and (ii) members.

11.4 The Town Clerk or other nominated officer and the complainant should be offered the opportunity to summarise their position.

11.5 The Town 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 into the room.

11.6 Once a decision is reached both parties will be invited back into the room and the meeting will resume in public session and the chairman will announce the committee's decision. In the unlikely event that a decision is not reached an agreement will be made with the complainant to arrange a further meeting of the complaints committee.

12. If the Committee is in public session:

12.1 The chairman will introduce everyone and explain the procedure.

12.2 The complainant (or representative) should outline the grounds for complaint and thereafter, questions may be asked by (i) the Town Clerk or other nominated officer and then (ii) members. If the complainant (or representative) does not wish to speak the outline of the complaint provided in writing by the complainant will be used.

12.3 The Town Clerk or other nominated officer will have the opportunity to explain the Council's position and questions may be asked by (i) the complainant (or representative) and (ii) members.

12.4 The Town Clerk or other nominated officer and the complainant should be offered the opportunity to summarise their position.

12.5 The Council can make a decision to go into private session if it is deemed that discussions are at risk of disclosing exempt information subject to schedule 12a of the Local Government Act 1972.

12.6 The chairman will announce the committee's decision. In the unlikely event that a decision is not reached an agreement will be made with the complainant to arrange a further meeting of the complaints committee.

13 After the meeting the decision should be confirmed in writing within seven working days together with details of any action to be taken.

14 The Council has adopted a Vexatious Complaints and Unreasonable Behaviour policy and procedure which describes how the council deal with complaints which it believes falls into the category of vexatious or unreasonable.

15 Pursuant to the Local Government Act 1974 the Local Government Ombudsman (LGO) has no jurisdiction over parish and Town Councils in England consequently there are no statutory mechanisms in place for complaints against local Councils in England. Complainants who are dissatisfied with the outcome of the complaints procedure may consider the remedy of Judicial Review in the absence of any other appeal mechanism.