

HATFIELD TOWN COUNCIL

COMPLAINTS PROCEDURE

Complaints Procedure

1. THE IMPORTANCE OF COMPLAINTS

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints are dealt with positively. The Town Council is anxious to hear people's comments and committed to making full use of complaints' information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

2. DEFINITION OF A COMPLAINT

2.1 A complaint is *any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers.*

2.2 What the complaints procedure will deal with:-

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 What the complaints procedure will not deal with:-

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

3. EQUAL OPPORTUNITIES

- 3.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 3.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. COMPLAINTS OFFICER

- 4.1 The Complaints Officer for the Town Council is the Head of Operations. Their main duties are:

- (i) The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- (iv) To identify improvement points arising from any complaints.
- (v) To identify staff training issues.

4.2 A complaint about a Councillor should be referred directly to the Monitoring Officer (Margaret Martinus, Head of Law and Administration, Welwyn Hatfield Council) as statutory officer.

A complaint about any Officer should be dealt with by the Council's disciplinary procedure using the informal procedure in the first instance.

5. STAGES OF THE PROCEDURE

5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

It is vital however, that the Town Clerk remains clear of the process, until required at any second stage to ensure that their contribution is completely independent.

5.2 Everyday problems, queries and comments

The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

5.3 Informal Complaint

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the Head of Operations. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision. This is good customer service.

5.4 Formal Complaint (First Stage)

A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the appropriate officer to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further. This will be referral to the Town Clerk for a review of the investigation (i.e. the second stage of the procedure).

Timescales

Acknowledgement - by return of post

Investigation completed - 14 days

or Progress Reports Issued - 14 day intervals

Investigating Officer: Head of Operations

5.5 Review of Investigation and Complaint (Second Stage)

If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Town Clerk who will review the complaint.

Timescales

Response by the Town Clerk - 14 days

Panel (if thought necessary) - Convened within 14 days

Review completed - 14 days thereafter

Investigating Officer: Town Clerk

5.6 Councillors' Panel

If the issue still remains unresolved, the complainant should be notified of their to have the matter referred to a Panel consisting of the Mayor, a nominee of the Leader of the Council and a nominee of the Leader of the Opposition. The outcome of all formal complaints dealt with by Council Officers will be advised to the Resources and Policy Committee.

5.7 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.

These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

5.8 **Anonymous Complaints**

Anonymous complaints should be referred to the Town Clerk, and may be acted on at their discretion, according to the type and seriousness of the allegation.

6 **RESOLUTION AND REMEDIES**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Town Clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

7 **CONTACTS**

The Town Council

Mr J Anthony
Town Clerk

e-mail: jonah.anthony@hatfield-herts.gov.uk
Phone: 01707 262023

Mrs S Frake
Head of Operations

e-mail: sam.frake@hatfield-herts.gov.uk
Phone: 01707 262023

Hatfield Town Council
Birchwood Leisure Centre
Longmead
Hatfield
Herts. AL10 0AN
<http://www.hatfield-herts.gov.uk>

The Equality and Human Rights Commission

3 More London, Riverside Tooley Street, London, SE1 2RG
Phone: 0845 604 6610
Email: englandhelpline@equalityhumanrights.com
Website: www.equalityhumanrights.com

Hatfield Town Council

COMPLAINTS POLICY

Hatfield Town Council aims to provide good quality services. This procedure deals with complaints to the Town Council about its actions, processes and administration.

1. If a complaint about procedures or administration is notified orally to a Councillor or Member of staff and it is not possible to satisfy the complainant fully forthwith, the complainant shall be asked to put their complaint in writing to the Town Clerk. The complainant shall be assured that the complaint will be dealt with promptly after receipt.
2. If the complainant would prefer not to put the complaint to the Town Clerk, they shall be advised to put it to the Mayor.
3. Upon receipt of a written complaint, the Town Clerk or Mayor, as appropriate shall try to settle the complaint directly with the complainant (except where the complaint is about his/her own actions).
4. Where the Town Clerk receives a complaint about his/her own actions it shall be referred to the Mayor.

Where the Mayor receives a complaint about his/her own actions it shall be referred to the Council after first notifying the complainant of the manner in which it is intended to attempt to settle the complaint.

5. In any case, where a written complaint is about Conduct of a Councillor, the complainant shall be given contact details of The Monitoring Officer, Welwyn Hatfield Borough Council.
6. Where, in the opinion of the Town Clerk, a complaint cannot be resolved satisfactorily, it shall be referred to the next appropriate Council or Committee meeting. The complainant shall be notified of the date on which the complaint would be considered.
7. Where, in the opinion of the Mayor, a complaint cannot be resolved satisfactorily, it shall be referred to the next appropriate Establishment Sub Committee meeting. The complainant shall be notified of the date on which the complaint would be considered.
8. The Council or Committee shall determine whether the matter be discussed with the Exclusion of Press and Public and this decision shall be announced at the meeting in public.
9. As soon as practicable after the decision regarding the complaint has been made and the nature of any action to be taken, the complainant shall be informed in writing.