Eastleigh Town Council Complaints Procedure

Adopted: 7 September 2022

Review Date:

1. **Introduction**

The Town Council provides many services to individuals and different groups of people. We try to get our service delivery right every time, but there may be occasions when users of our services are dissatisfied with our performance. This policy sets out how to raise a complaint with the Town Council.

2. Informal Complaint

Most complaints can be resolved quickly and amicably through this route. Informal complaints can be made by email to the Town Council. Our contact details are included in point **12** below.

Complaints should always be directed through the Town Clerk, who will ensure that the complaint is handled by the most appropriate member(s) of staff. A complainant may advise a Councillor of the details of a complaint, but an individual Councillor is not able to resolve complaints. It is expected that most complaints can be resolved through this informal route. However, the Town Council appreciates that on occasions when an informal approach has not resolved the complaint, or when it is considered that the initial complaint requires further investigation, then the following formal complaints process should be followed.

3. Formal Complaint – Stage 1

The Town Clerk to the Council is responsible for managing the Formal Complaints Process.

A formal complaint can only be submitted in writing to the Parish Council, addressed to the Town Clerk and marked: “Confidential – Formal Complaint”. The Council generally encourages contact by email and telephone, but as a formal complaint is a serious matter; **it will only be accepted in writing.**

The complaint should include as much detail as possible and enclose copies of all relevant supporting documentation. The Town Clerk will acknowledge receipt of the complaint within five working days.

The Town Clerk will carry out an initial investigation into the complaint and will, within ten working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the suggested resolution, then the complaint will be closed. The Clerk will report summary details of the complaint and a summary of its resolution to the Town Council, under exempt business. This summary will exclude the name of the complainant.

If a formal complaint is being raised against the Town Clerk, then the process detailed above should be followed, but the complaint should instead be directed towards the Chair of the Town Council as described in Stage 2.

4. Formal Complaint – Stage 2

If the Town Clerk is unable to resolve the complaint, or if the complainant is not satisfied with the proposed resolution, then the matter will be referred to the Chair of the Council.

The Chair of the Council will investigate the complaint and will, within ten working days, provide the complainant with an update on progress, or a suggested resolution. If the complainant is satisfied with the suggested resolution, then the complaint will be closed. The Chair will report summary details of the complaint and a summary of its resolution to the Town Council, under exempt business. This summary will exclude the name of the complainant.

5. Formal Complaint – Stage 3

If the complainant remains dissatisfied with the response to the complaint, they may ask the Chair of the Council to refer it to Policy and Finance Committee. The complaint will be considered by Councillors at the next Committee meeting.

a) The Committee shall consider the complaint under exempt business.

b) The Chair will introduce everyone and explain the procedure for consideration of the complaints. The meeting should be as informal and friendly as possible, without prejudicing the need to consider properly the matter under discussion.

c) The complainant (or representative) will be invited to outline the grounds for complaint and Councillors will be given the opportunity to ask any questions of the complainant.

d) If relevant, the Town Clerk will explain the Council's position. Councillors will be given the opportunity to ask any further questions of the complainant.

e) The complainant will be offered the opportunity to sum-up their position.

f) The Town Clerk will be offered the opportunity to sum-up their position.

g) The Town Clerk and complainant will be asked to leave the room while the Councillors decide whether the complaint is justified and supported by the supporting evidence. If further clarification is necessary, both parties will be invited back into the room.

h) When a decision has been made, both parties will return to hear the decision or to be advised when the decision will be made.

i) The decision will be confirmed in writing to the complainant within five working days of the meeting. The announcement of any decision will also be made in public at the next Council meeting.

6. Timings

The Town Council will try to adhere to the timings outlined in this policy, but in the case of a complex complaint or in the absence of a member of staff who is involved in the complaint, the timings may vary. The complainant will be advised of any revised timescales.

7. Appeals

Should the complainant not agree with the decision at Stage 3, they will be entitled to appeal within ten working days of the receipt of the result.

A Review Panel will be appointed by Council consisting of four Councillors. The review panel will examine the way in which the Policy and Finance Committee dealt with the complaint. If the Review Panel determines that procedures were correctly followed, the complainant will be notified that the appeal has not been successful. If the Review Panel determines that the complaint was not handled correctly, it will be referred for re-consideration at Stage 3. The complainant will be notified of the results of the appeals process within ten working days.

8. Habitual and Vexatious Complaints

The Town Council will endeavour to deal with complaints in an efficient, equitable and effective manner. The Council may have to initiate further action, if a complainant behaves in a manner as outlined within the Town Council's Vexatious Policy.

9. Town Council Staff

A formal complaint is a serious matter. A complaint involving a member of the Council's staff could result in disciplinary action or in cases of gross misconduct,

dismissal from the Council's employment.

The Council will not, under any circumstances, enter into any correspondence or discussion with any complainant about any action taken, formally or informally, against any member of its staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.

10. Complaints against Councillors

This policy does not cover complaints against an individual Councillor. It will not deal with complaints about matters that are not covered by the Councillor's Code of Conduct. A complaint about a Town Councillor must be about a Councillor's failure to follow the Code of Conduct and should be addressed to the Monitoring Officer as follows:

Executive Head of Governance (Monitoring Officer)
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

11. Anonymity

The Council will not acknowledge or consider, under any circumstances, informal or formal complaints that are submitted anonymously.

12. Contact Details

Email: clerk@eastleigh-tc.gov.uk

Approved on: 7th September 2022.