



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

COMPLAINTS POLICY & PROCEDURE

Contents

1. Overview	2
2. Who to complain to:	3
3. Procedure for complainants	3
4. What is a complaint?	3
5. How to complain	4
Informal - stage 1	4
Formal - stage 2	4
6. Complaint Hearing Procedure at a Staffing Sub-Committee Meeting	5
7. Policy for dealing with unreasonable and persistent complainants	5
8. What is unreasonably persistent?	6
9. What is unacceptable behaviour?	7
10. How do we deal with this behaviour?	7
11. Dealing with unreasonable and persistent complainants	8

1. Overview

Penrith Town Council is committed to providing a quality service for the benefit of the people who live or work in its area, or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.

This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

- a. This Complaints Procedure does not apply to:
 - Complaints by one council employee against another council employee
 - Complaints between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures
 - Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members and, if a complaint against a councillor is received by the council, it will be referred to the Standards Committee of Eden District Council.
- b. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings.
- c. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
- d. You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Town Clerk.
- e. Wherever possible, the Town Clerk will try to resolve your complaint immediately and informally. If this is not possible, the Town Clerk will normally try to acknowledge your complaint within five working days.
- f. If you do not wish to report your complaint to the Town Clerk, you may make your complaint directly to the Chairman who will report your complaint to the Complaints Committee of the Council if he/she is unable to deal with your complaint informally.
- g. Each complaint will be investigated obtaining further information as necessary from you and/or from staff or members of the Council.
- h. You will receive notification within 20 working days of the investigation the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint.
- i. In some cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.

- j. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

2. Who to complain to:



If you have a complaint against a Town Councillor, you should write to:

The Monitoring Officer
Legal and Democratic Services
Eden District Council, Town Hall, Penrith, CA11 7QF



If you have a complaint against an employee of the Town Council, you should write to the Chairman of the Council.



If you have any other complaint, you should write to the Town Clerk.

In order for your complaint to be dealt with, the following procedures are in place so you can be assured your complaint will be properly and fully considered.

3. Procedure for complainants

We want to provide high quality service at all times. If you feel any aspect of our service has been at fault we want to know about it and investigate. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practice. They help us improve our service to residents, visitors, and those working within the town.

This policy and procedure note is for members of the public considering making any complaint to the Council, whether minor, serious, informal or formal and applies to all services provided by the Council.

4. What is a complaint?

People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by the Council or any of its employees.

For example, a complaint could be where you are not happy about:

- The service you have received from us – including our staff, volunteers, or contractors who work on our behalf.
- Things you think we should have done or have not done – either by law or by established practice.
- Where you think we have not followed adopted procedures or policies.

We aim:

- ✓ To deal with complaints impartially, objectively, and swiftly;
- ✓ To find a solution locally, whenever possible, to the satisfaction of all parties

5. How to complain

We want to put things right as quickly as possible and this may usually be done if you speak directly to the staff providing the service first before moving to a more formal complaint.

Informal - stage 1

- a. If you feel that the staff response has not dealt properly or fully with your complaint, you should contact the Town Clerk.
- b. If your complaint involves the Town Clerk, please go straight to Stage 2.
- c. Contacting the Town Clerk can be done by telephone, email, in person or in writing. You should give your name, address, relevant dates and as much information as possible to help us deal with the complaint
- d. Once we receive your complaint, we will acknowledge receipt. We will make a written record, noting your name and contact details, and the nature of the complaint.
- e. We will then investigate, obtaining further information as necessary from you, staff, or Councillors.
- f. Within twenty working days we will send you a full written reply, or let you know if our reply will take longer, explaining the reason for the delay.
- g. If we do not hear from you within ten working days of our reply, we will close the complaint.
- h. A record of the complaint and investigation will be kept for six years.

Formal - stage 2

- a. We hope that by now we will have resolved your complaint. However, if we haven't, and providing you have been through Stage 1, you will be asked to give a reason why you remain dissatisfied.
- b. If your initial complaint involves the Town Clerk, you should write to the Chairman of the Council who will report to the Staffing sub-committee of the Council.
- c. Your complaint will be investigated following the procedure outlined in the box below.

- d. If the complaint is against a procedure administered by the Town Clerk a member of the Councillor will investigate the complaint and report to the committee and make representation in a hearing.

6. Complaint Hearing Procedure at a Staffing Sub-Committee Meeting

- a. We will consider whether the circumstances warrant exclusion of the press and public.
- b. Chairman introduces all present, and explains the procedure.
- c. Complainant or their representative outlines the grounds of the complaint.
- d. Members can ask any question of the complainant or their representative.
- e. If relevant, the Town Clerk or other member of staff or councillor explains the Council's position.
- f. Members can ask any question of the Town Clerk or other member of staff or councillor
- g. Town Clerk, staff or councillor, and then the complainant are offered the opportunity of a last word.
- h. The Town Clerk, staff, or councillor and the complainant leave the room while members decide whether the grounds for the complaint have been made.
- i. If a point of clarification is necessary, all parties will be invited back.
- j. The parties return to hear the decision, or are advised when the decision will be made (The Committee / Council can defer making a decision if it needs to wait for legal advice or further information).
- k. The decision is confirmed in writing within twenty working days - with details of any action to be taken.
- l. Decisions on complaints may be announced in public at a future Council meeting.
- m. A record of the complaint and investigation will be kept for six years.
- n. We will try to complete the whole Stage 2 procedure within eight weeks.

7. Policy for dealing with unreasonable and persistent complainants

- a. The Council, its Councillor's, employee and personnel work closely with members of the public. In doing this, we are often approached by a range of people for a variety of reasons. We aim to provide an excellent level of service to everyone who contacts us.
- b. Everybody is entitled to be treated respectfully, courteously and in a polite manner. Anybody who raises an issue with us has a right to expect us to deal with it fully and fairly. When dealing with people we do not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do.
- c. From time to time the Town Council receives complaints from members of the public. Some complaints are received by telephone or in writing and some by a visit to the Town Clerk's office. In order to deal with complaints efficiently and effectively the Town Council has a Complaints Policy.

- d. The Town Council's policy for dealing with unreasonable and persistent complainants will become operative if the complainant is deemed to be unreasonably persistent either by written or oral communication or excessive visits to the Town Clerk's office; a complainant begins to make frequent contact with the Town Clerk's office and hinders the normal day to day running of the Town Council as such complaints can be time consuming and could lead to unnecessary additional cost to the council tax payer or impact on the well-being of the staff member.
- e. This policy sets out the actions that the Council can take when dealing with either unreasonably persistent contact or unacceptable behaviour from people. This policy is expected to apply to very few people.
- f. No action under this procedure will ever allow a potentially serious issue affecting public safety to go uninvestigated.

8. What is unreasonably persistent?

- a. Unreasonably persistent people are those who, because of the frequency or nature of their contacts with us, can hinder our work. Those who are unreasonably persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints/issues which appear to have no substance or which have already been investigated and determined.
- b. In dealing with people, we recognise that our resources including staff time have to be used where they can provide the most value. This might mean that we cannot respond to every complaint/issue in the way a person would like. Examples of the types of actions / behaviour which may cause this policy to be used are noted below. These are not exhaustive but could include one or more of the following:
 - c. Adopting a 'scattergun' approach: pursuing a complaint or other issues with us and, at the same time, with other people or bodies such as the Principal Authority, Member of Parliament, local police, solicitor, the Ombudsman.
 - d. Making unnecessarily excessive demands on the time and resources of Staff whilst a complaint/issue is being looked into, by for example, excessive telephoning or sending emails to numerous staff members, or Councilors writing lengthy complex letters every few days and expecting immediate responses.
 - e. Submitting repeated complaints, after the complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints worthy of being put through the full complaints procedure
 - f. Refusing to accept the decision on a complaint/issue - repeatedly arguing the point and complaining about the decision
 - g. Refusing to accept that issues are not within our remit despite having been provided with information about our scope
 - h. Insisting on the complaint/issue being dealt with in ways which are incompatible with standard procedure or with good practice.

9. What is unacceptable behaviour?

- a. We expect our staff to be treated with courtesy and respect.
- b. We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to distinguish between distress, frustration, forcefulness and determination and behaviour which are unacceptable.
- c. Unacceptable behaviour is defined as: behaviour or language (whether oral or written) that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

10. How do we deal with this behaviour?

- a. If unacceptable behaviour occurs, the staff member, or Councillor should explain to the individual why their behaviour is unacceptable. The member of staff should then give the individual the opportunity to stop the unacceptable behaviour and explain that if they carry on it will result in the conversation being ended. If the behaviour continues, the member of staff should tell the individual politely that they are ending the conversation.
- b. Once the conversation has ended note should be made of the conversation with a clear description of the unacceptable behaviour that was demonstrated by the member of the public.
- c. This note should be saved to the complaints folder and a copy shared with the Town Clerk. Please be aware when writing the note, that this information would be disclosable under the Data Protection Act 1988.
- d. The member of staff should inform the Town Clerk of such contact, be given the opportunity to talk about it and offered any other support necessary to ensure their well-being.
- e. Even at any point you have concerns for your personal safety, you should summon support from another staff member and/or police.

11. Dealing with unreasonable and persistent complainants

The procedure for dealing with will be implemented as follows

In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of our staff. In such circumstances, the Town Clerk, may, without warning to the person, refer the case to the Police or instigate civil proceedings.

- a. A vexatious complainant will be notified that the Council's Policy for dealing with unreasonable and persistent complaints is to be enforced, together with the reason why.
- b. The complainant will then be asked to adopt one or all of the following procedures:
 - i. restricting contact to one method
 - ii. request contact with the Town Council in a particular form (for example, letters only);
 - iii. request contact to take place with a named officer or councillor;
 - iv. restrict telephone calls to specified days and times;
 - v. accepting contact through a third party only;
 - vi. only acknowledging or filing correspondence unless new information is presented;
 - vii. refusal to accept further telephone calls; or
 - viii. restricting the issues we will correspond on
 - ix. and/or be asked to enter into an agreement about future contact with the Town Council.
- c. Any action taken will be reasonable, proportionate and balance the interests of the member of the person with the duty to protect the health, safety and well-being of our staff.
- d. The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.
- e. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.
- f. The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required.
- g. If deemed to be a fair challenge the Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.
- h. If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication.
- i. The case will only be re-visited if the complainant can provide fresh evidence that may affect the Council's previous decision concerning the original complaint.
- j. If the Council feels that re-opening the complaint cannot be justified the complainant will be notified in writing that the case has been closed and there will be no further communication.

- k. New complaints received from complainants previously deemed to be unreasonable and or vexatious will be treated on their merits.
- l. Complaints will be kept on file for no more than six years.

Approved: May 2015
Reviewed: Annually