

Complaints Policy

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As a public authority Watchet Town Council wants to make sure our customers are satisfied with our services. People may wish to tell us when they are satisfied with the services they have received, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services.

This Policy sets out how complaints will be dealt with ensuring concerns raised are considered and any resulting adjustments made, where required.

1. Our guiding principles

All complaints are taken seriously, dealt with appropriately and where necessary acted upon. We will:

- put the customer at the heart of the process, showing understanding and responding appropriately to the circumstances
- resolve complaints as early as possible
- keep the customer informed about the complaints progress
- apologise if we have made a mistake, or when something has gone wrong, we will put it right as soon as possible
- make sure our response addresses all elements of the complaint and provide explanations for any decisions made or actions taken
- use complaints information in a positive way to prevent similar occurrences in the future

We encourage all of our staff to resolve customer's issues without the need to use the formal complaints process as in many cases we can resolve concerns quickly by putting the problem right straight away.

2. What this policy covers

a. Complaints covered under this policy

A complaint could be in relation to any of the following examples:

- There has been a significant delay in providing a service
- We have made a mistake in the way we provided a service
- We have failed to deliver a service; this could relate to the quality, standard or service level
- We have not listened properly
- Our processes or policies have not been followed
- Our legal or regulatory requirements have not been met
- We have not delivered against a commitment or promise
- Our staff have not been helpful or have not conducted themselves correctly

Every complaint will be considered on its individual merits and after initial conversations a decision will be made on whether the complaints policy should be implemented. Such decisions will be made by the Watchet Town Council Complaints Committee.

b. Complaints not covered by this policy

- Requests for Information (Subject Access Request and Freedom of Information Requests); these requests should be referred to the Clerk.
- Immediate Safeguarding Concerns: If you believe that an individual is in any immediate danger or risk of harm, this should be reported to the police for immediate action
- Complaints on behalf of an adult who does not lack capacity; Where an adult is deemed to have capacity to speak on their own behalf, we are required to gain their permission to share any data. Should a complaint be raised on behalf of an individual who has capacity, but we have not been provided with permission to share information, we may reject this request, until permission is given.
- Complaints about Councillors; All members (elected Councillors and co-opted members) are expected to work to the highest standards of integrity. They agree to work to a Code of Conduct setting out how they should behave towards members of the public, people working for the council and themselves. Please refer to Appendix 1 B for guidance.
- Commissioned services; Where a customer receives a service from a provider commissioned by the Council, complaints should, in the first instance, be made directly to the external provider through its own complaints procedure. External providers are required to inform the relevant Service of all complaints reviewed under their procedures and any action taken in response.
- Complaints made more than one year after being aware of the issue; (unless in exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly.
- Staff personnel issues: including disciplinary, grievance, pay, recruitment and selection processes - these should be progressed with guidance from Grievance policies and procedures. Please refer to Appendix 1 C for guidance.
- Complaints regarding the qualification of our staff; All staff are employed based on their suitability and relevant qualifications for the role, therefore any complaint which questions whether a particular staff member is qualified to fulfil their role will not be accepted under this policy. Please note that this does not apply to complaints where you believe that staff have not acted appropriately;
- Allegations of fraud, theft, or corruption by a member of staff; Any serious concerns about a member of staff should be reported to the Clerk
- Complaints about data protection; Complaints about how the Council has processed personal data or about information sharing, disclosure, retention, or information security should initially be raised with the service responsible for the data to enable any issues to be resolved. Should there remain concerns on how the Council handles data the customer should contact the Clerk for advice and guidance.
- Complaints that have already exhausted our process or if the same complaint has received a final written decision.

3. How should customers make a complaint?

Before making a formal complaint, we encourage customers to contact our Office staff first to discuss their concerns in detail, providing an opportunity to gain clarity of the situation and, where necessary, put things right. Should we not be able to address the concerns or rectify the situation, the customer may then choose to follow the appropriate complaints procedure, as detailed below.

The Clerk will act as a point of liaison for the complainant, finding required information and providing details of what has happened. Where the Council is at fault we will apologise and tell the customer what we will do to rectify the situation.

The Clerk can be contacted by:

- Calling us on 01984 633344 (from 10.00am – 12.30pm Monday to Thursday)
- Emailing townclerk@watchettowncouncil.org
- Writing to Watchet Town Council, Watchet Visitor Centre, Harbour Road, Watchet, Somerset, TA23 0AQ
- Visiting our office address above which is open to the public 10.00am – 12.30pm Monday to Thursday (except Public Holidays)

The customer should provide as much detail as possible including:

- What has happened or gone wrong from their perspective
- When it happened (or should have happened)
- Why and how we could have done things differently
- What they think we should do to put things right
- Their preferred method of contact and their contact details

4. How we deal with complaints

Customers are encouraged in the first instance to raise any problems with the individual staff member concerned or with their line manager informally.

If the Complainant is not satisfied by the informal actions taken, or may wish to make a formal complaint directly, the complainant will be asked to submit a formal complaint in writing to the Council offices, addressed to the Clerk or Chairman of the Town Council as appropriate.

1. The Clerk or Chairman of the Town Council will acknowledge receipt of the complaint, in writing, within 5 working days.
2. On receipt of a complaint the Clerk, in consultation with the Chairman of the Town Council, will ascertain the category of the complaint and take the relevant action with reference to the complaint category detailed in Appendix 1. The Complainant will be informed of which category the complaint falls under and the action required.
3. If the complaint is considered to be a category D complaint (see Appendix 1), the Clerk or Chairman of the Town Council will advise the Complainant when the matter will be considered by the Complaints Committee. The Procedure in Appendix 2 will be followed in this instance.
4. The Clerk or Chairman of the Town Council will report to the Council, summary details of the complaint and a brief summary of its resolution. This summary report will exclude the names of the complainants and any Council staff involved.

5. Repeated or Vexatious Complaints

A small percentage of complaints may be persistent or complain in a way that appears to be obsessive, harassing or repetitious. This will require a disproportionate amount of resources and can sometimes act in a manner that it unacceptably stressful for staff. Whilst everyone has the right to make a legitimate complaint, they are not entitled to do so in a way that is unreasonable, or which has the effect of intimidating or harassing staff.

A vexatious or persistent complaint can be characterised in a number of ways:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.

A Complainant can only be considered vexatious once a decision has been passed to that effect by resolution of the Council giving the reason and scope. This will be confirmed in writing to the complainant.

6. Advocacy

In some instances, customers may prefer a relative or friend to act as an advocate on their behalf. In these situations, we require written confirmation from the complainant that they have selected the individual to act as their advocate and they are happy for the Council to provide information to them.

7. Withdrawing complaints

A complaint may be withdrawn verbally or in writing at any time by the complainant (or their representative). Where this occurs, the Council will write to the customer confirming the withdrawal.

8. Access to information

Data Protection Legislation regulates the processing of information relating to individuals (data subjects) and provides them with several rights regarding the information held about them. Enquirers can provide feedback about the way in which their information is processed by the Council.

The Freedom of Information (FOI) Act 2000 regulates the disclosure of non-personal information.

The Complaints Policy is not a mechanism for individuals to exercise their data protection rights or to submit freedom of information requests. Individuals wishing to exercise their data protection rights (such as the right of access or the right to erasure) or make a freedom of information request should contact the Town Council.

9. Appendix 1 Complaint Categories & Procedures

	Complaint Category	Action
A	Criminal activity	The Clerk should refer the Complainant to the Police.
B	Member conduct	<p>If a complaint is against an individual Councillor, initially, the Clerk and Chair of Council will meet with the Councillor in an attempt to resolve the complaint informally. If the complainant is dissatisfied with the response provided by the Clerk following the meeting, they must write to the Monitoring officer at Somerset West & Taunton Council, Killick Way, Williton, Somerset, TA4 4QA</p> <p>The Monitoring Officer can only deal with complaints about the behaviour of a Councillor. The Monitoring Officer will not deal with complaints about matters that are not covered by the Councillors Code of Conduct, complaints that are about people employed by the Town Council, incidents that happened before a member was elected or chose to serve on the Council, incidents that happened before the authority adopted its Code of Conduct, the way an authority conducts or records its meetings, the way an authority has or has not done something, a decision of the authority or one of the services it provides.</p>

C	Employee conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure. A complaint against 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 staff. This is expressly to protect the employment rights to which all employees of the Council are entitled.
D	Other	Complaints that are expressions 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 action on behalf of the Council". These will be heard by the Complaints Committee established by the Council which has delegated authority to deal with complaints on its behalf.

10. Appendix 2 – Category D Complaint Procedure

Before the Meeting of the Complaints Committee

1. The Complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or their substitute. The Clerk or Chairman shall acknowledge receipt of the request within 5 working days.
2. The Town Council's appointed Complaints Committee will be informed of the complaint.
3. The Clerk or their substitute will advise the Complainant when the matter will be considered by the Complaints Committee for the purposes of hearing complaints, giving at least 10 working days' notice of the Committee meeting. 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 on the committee agenda.
4. The Complainant shall be invited to attend a meeting of the Complaints Committee and to bring with them one other person for support if they wish. They will not be entitled to bring legal representation. The other person may not address the meeting.
5. If the Complaints Committee deem it necessary, it may require particulars of the complaint or any related matters to be submitted in advance of the meeting by the Complainant or the Council.
6. Five 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 Complainant the opportunity to read the material in good time for the meeting.

Who will be at the meeting

1. The Members of the Complaints Committee.

2. The Clerk to the Council or a suitably appointed substitute.
3. The Complainant who may be accompanied by one other person for support as set out above.

At the Meeting

1. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press.
2. The Chairman of the Complaints Committee should introduce everyone and explain the procedure
3. The Complainant should outline the grounds for complaint and, thereafter, questions may be asked by the Clerk or their substitute and/or Members.
4. The Clerk or their substitute will have an opportunity to explain the Council's position and questions may be asked by the Complainant and Members.
5. The Clerk or their substitute, and then the Complainant should be offered the opportunity to summarise their position.
6. The Clerk or their substitute, and the Complainant and any person attending in support of 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.
7. The Clerk or their substitute, 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 The decision should be confirmed in writing within seven working days together with details of any action to be taken.

Right of Appeal

The Complaints Committee's decision is final.

11. Policy review

This Policy will be reviewed January 2024 by Watchet Town Council, in accordance with current legislation.