



EMERSONS GREEN  
TOWN COUNCIL

# Complaints Policy

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## **1. Definition**

Emersons Green Town Council uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by National Association of Local Councils (NALC):

'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.'

In accordance with NALC/LGO guidelines, the Town Council will try to ensure that their complaints system is:

- well publicised and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective;
- based on clear procedures and defined responsibilities;
- quick, thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to the special needs and circumstances of the complainant;
- adequately resourced;
- fully supported by councillors and officers; and
- regularly analysed to spot patterns of complaint and lessons for service improvement.

## **2. Confidentiality**

The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint. Emersons Green Town Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

## **3. Remit of the Policy**

The procedure set out in this in this policy is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the following way:

- Complaints against Members of the Town Council through South Gloucestershire Council's Monitoring Officer
- Complaints against members of staff – through internal Managing Employee Performance Procedure

- The following procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Town Clerk or the Chair of the Council. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly, and the process should be reasonable, accessible and transparent.

Throughout the Policy below where the Town Clerk is referred to it may be the Town Clerk or the nominated staff member.

## **4. Procedure**

### **Before the Meeting:**

- The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk.
- If the complainant does not wish to put the complaint to the Town Clerk, they should be advised to address it to the Chairman of the Council.
- The Town Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Council or by a committee established for the purposes of hearing complaints. 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 (if, for example, the complaint is to be heard by a committee).
- The complainant shall be invited to attend the relevant meeting and bring with them such representatives as they wish.
- Seven clear working days prior to the meeting, the complainant shall provide the Town Council with copies of any documentation or other evidence, which they may wish to refer to at the meeting. The Town Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

### **At the Meeting:**

- The Town Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the council meeting in public.
- The Chairman to introduce everyone.
- The Chairman to explain the procedure.
- Complainant (or representative) to outline grounds for complaint.
- Members will have the opportunity to ask any questions of the complainant.
- If relevant, Town Clerk to explain the council's position.
- Members will have the opportunity to ask any questions of the Town Clerk.
- Town Clerk and complainant to be offered the opportunity of last word (in this order).

- Town Clerk and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
- Town Clerk and complainant will return to hear decision, or to be advised when decision will be made. The decision must be announced in public session.

### After the Meeting:

- Decision confirmed in writing within seven working days together with details of any action to be taken.

## 5. Further Courses of Action

Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chairman and Vice Chairman of the Council will as appropriate take one or more of the following courses of action: -

The complainant will be notified in writing why their complaint has been classified as vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.

The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

The Council will decline further contact with the complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.

The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.

The Council will suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.

The Clerk and the Chairman of the Council may invite the complainant to meet with them to discuss the matter.

The complainant will be notified of the contact details of the local Government ombudsman and invited to contact that office if they wish to take the matter further. The Council will be notified of vexatious or habitual complainants. Withdrawing

habitual or vexatious status once a complainant has been determined to be habitual and /or vexatious, their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

## **6. Review**

This is a non-contractual procedure which will be reviewed on a three-yearly basis.