

WALTHAM ABBEY TOWN COUNCIL



COMPLAINTS PROCEDURE

Waltham Abbey Town Council
The Town Hall
Highbridge Street
Waltham Abbey
EN9 1DE

To be Reviewed: August 2020

COMPLAINTS PROCEDURE

1 Introduction

Waltham Abbey Town Council endeavours to provide excellent services within its budgetary limits for the benefit of the people of Waltham Abbey as a whole. Accordingly any complaint made against the Council is taken seriously and will be fully investigated. However the Council also recognises that there are different forms of potential complaint each of which requires different methods of resolution. The different forms of complaint are set out below as well as the system for dealing with each form of complaint.

2 Forms of complaint.

- i Against a decision of the full Council meeting
- ii Against a decision of a committee of the Council
- iii Against the actions of the Council
- iv Against an employee or employees of the Council
- v Against a Councillor or group of Councillors

3 Means of resolution.

In all instances initially the matter will be considered by the Complaints Investigation Panel which shall consist of the Town Clerk or other officer if appropriate, either the Leader of the Town Council or Deputy Leader and one other Town Councillor. If the complaint is against the Town Clerk then another Officer will deal with the matter and wherever the Town Clerk is referred to in this Policy the other officer will deputise).

The Panel will firstly determine whether the complaint is a valid one or one that justifies consideration by the complaints panel. In doing so they may consider whether the complaint is actually against Waltham Abbey Town Council, whether it is too trivial to be considered by a full Complaints Panel bearing in mind the costs incurred, whether it can be dealt with by way of a letter of apology or clarification, whether the matter has already been satisfactorily dealt with as well as the date of the incident which gave rise to the complaint.

If the panel so wishes, taking into account the above, it may determine to deal with the complaint itself to expedite matters. This will take place on the basis of the written complaint and information held by the Town Council and will be by way of written response to the complainant.

If the Complaints Investigation Panel considers that the complaint may justify consideration by the Complaints Panel it will then determine what form of complaint it is and thereafter consider the following to determine whether to refer the complaint to the Complaints Panel.

i Against a decision of the full Council meeting

· As there is no higher body within the Council than the full Council no Complaints Panel hearing can take place. The complaint can be forwarded on to the Town Council as an item for information or action if it so chooses.

ii Against a decision of a committee of the Council

· If the complaint is received before the matter of complaint is ratified by the full Town Council, and the matter is not one that the committee has full delegated powers for, then the complaint will be brought to the attention of the Town Council when considering the matter for approval.

· This will be done without reference to the Complaints Investigation Panel.
· After the matter has been ratified by the Full Council and as there is no higher body within the Council than the full Council no Complaints Panel hearing can take place. The complaint can be forwarded on to the Town Council as an item for information or action if it so chooses.

iii Against the actions of the Council

· Whether the action was one in line with Council policy.
· Whether the action was imposed on the Town Council.
· Whether the action was carried out correctly
· Legislative and Audit requirements

iv Against an employee of the Council

· Whether or not the matter can be dealt with by the Complaints panel by law
· The Employment Law implications of holding a Complaints Panel hearing
· Whether the employee is still employed by the Council
· Whether the act was one in line with Council policy, resolution, programmes of work, job description or such other edict.
· The social welfare of the employee complained against.
· Legislative and Audit requirements.

v Against a Councillor or Councillors

· Whether the matter should be referred to the Standards Board for England.
· Legislative and Audit requirements
· Whether a written apology from the said Councillors would be an appropriate means of resolution
· Whether a letter of clarification would be appropriate

If the Complaints Investigation Panel decide to refer the complaint to the Full Complaints Panel then the panel will be selected from the Members of the Town Council, a minimum of 3 Members will sit.

The complainant will be invited to submit details of potential hearing dates, which will be during office hours, after which a date will be set for the hearing. If the complainant does not attend the hearing and does not provide a satisfactory

excuse the Panel may chose to proceed with the hearing in the complainant's absence.

4 Before the Meeting

- i The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk.
- ii The Town Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered Complaints Panel.
- iii The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish if this is deemed necessary, and that there is a case to answer.
- iv At least 14 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting as well as details of anyone they wish to have accompany them at the Panel hearing. The Council may similarly provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

5 At the Complaints Panel Hearing

- i Chairman to introduce everyone
- ii Town Clerk to explain procedure
- iii Complainant (or representative) to outline grounds for complaint.
- iv Members to ask any question of the complainant.
- v If relevant, Town Clerk or other officer to explain the Council's position.
- vi Members to ask any question of the Town Clerk or other officer.
- vii Town Clerk and complainant to be offered opportunity of last word (in this order).
- viii 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).
- ix Town Clerk and complainant return to hear decision, or to be advised when decision will be made.
- x The panel will have to decide upon the following in respect of each complaint
 - Is the complaint valid, not valid or too trivial?
 - If a valid complaint has it already been dealt with, rectified or apologised for?
 - If a valid complaint what action to take?
- xi The actions that the panel may take include
 - If the panel require further information or time to consider the decision the decision may be deferred
 - Send a written apology
 - Undertake internal action
 - Recommend an internal review
 - Recommend changes in Council Policy or Procedures to full Council

After the Meeting

- i. The decision will then be confirmed in writing within seven working days together with details of any action to be taken (subject to any legal limitations).
- ii. In the case of a deferred decision written advice of the decision the decision will be given as soon as possible and in any event no more than 21 days after hearing all the evidence.