

# TENBY TOWN COUNCIL

## COMPLAINT PROCEDURE

### What is a complaint?

This can be a difficult concept to define, but for the purposes of this Complaints Procedure it is safe to use the Public Services Ombudsman for Wales' definition as follows:

*'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 by a person, or body, acting on behalf of the council.'*

### What is not a complaint?

Based on the above definition the following are not regarded as complaints:

- An initial request for a service
- Complaints about third parties (e.g. about a community group for which the Town Council is not responsible).
- A request for an explanation of a decision
- Representation about a major policy decision (e.g. the setting of the precept) unless the complaint is such that the said decision has been made without consideration of all the relevant factors.

### The policy

1. This policy sets out procedures for dealing with any complaints that anyone may have about Tenby Town Council's administration and procedures. It applies to Tenby Town Council employees.
2. The Code of Conduct adopted by the Town Council on 11th December 2001 covers councillors. Complaints about the conduct of councillors should always be reported to the Monitoring Officer of Pembrokeshire County Council in the first instance who will then advise the complainant about making a complaint to the Public Services Ombudsman.
3. Complaints against resolutions or policy decisions (other than major policy decisions) made by the Council shall be referred back to the Council (but note paragraph 34 of the Council's Standing Orders and Financial Regulations which states that issues shall not be re-opened for six months save by Notice of Motion).
4. A record of complaints should be kept and staff empowered to resolve the issue, if possible immediately. Where this cannot be done, in the case of more serious issues, staff should be aware as to where the matter needs to be referred for resolution.
5. By its very nature the Town Council often receives complaints about the services of another authority. In this instance the Clerk or other frontline staff should deal with the matter. The complainant should be informed that the

matter is outside the remit of the town council and notified as to the relevant body. If appropriate, town council staff should endeavour to resolve the matter by either passing on the complaint to the appropriate authority or giving the complainant the contact details to make the complaint in person. Any such complaints, and action of Town Council staff, should be recorded in the appropriate book.

6. Complaints about procedures or administration as practised by the Council's employees should be put in writing to the Clerk to the Council and the complainant assured that it will be dealt with promptly after receipt.
7. If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to address the complaint to the Mayor in their capacity as Chairman of Council.
8. On receipt of a written complaint the Mayor or the Clerk (*except where the complaint is about his or her own actions*) shall try to settle the complaint directly with the complainant. This shall not be done without first notifying the person complained against, giving him or her the opportunity to comment. Efforts should be made to settle the complaint at this stage.
9. Where the Clerk or the Mayor receives a written complaint about the Clerk or the Mayor he or she shall refer the complaint to the Council. The Clerk or Mayor shall be notified and given opportunity to comment.
10. Any investigations needed to resolve a complaint should be undertaken by The Clerk, or by a councillor acting on the authority of the council and should be undertaken with minimum delay commensurate with thoroughness.
11. The Clerk or the Mayor shall report to the next available meeting of the Council any written complaint disposed of by direct action with the complainant.
12. The Clerk or the Mayor shall bring any written complaint that has not been settled to the next available meeting of Council. The Clerk shall notify the complainant of the date on which the complaint shall be considered, offering them the opportunity to explain the complaint orally. (Unless such a matter may be related to Grievance/Disciplinary proceedings that are taking, or are likely to, take place when such a hearing may prejudice those hearings when the complaint will have to be heard under Exempt Business to exclude any member of the press or public, or deferred on appropriate advice received).
13. The Council shall consider whether the circumstances relating to any complaint warrant the matter being discussed in the absence or the press and public, but any decision on a complaint shall be announced at the Council meeting in public.
14. Where complaints might involve disciplinary matters care should be taken to separate the resolution of the complaint and any disciplinary procedures.
15. As soon as possible after the decision has been made it, and the nature of any action to be taken, shall be communicated in writing to the complainant.
16. Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise which requires necessary advice. The complaint shall be dealt with at the next available meeting after the advice has been received.
17. Since it can be difficult to look into things that happened a long time ago, other than in exceptional circumstances, complainants will be expected to bring their complaint to council's attention within six months of becoming aware of the problem.

18. Those dissatisfied with the outcome, or progress, should be directed to complain to the Public Services Ombudsman for Wales.
19. This complaints procedure should be reviewed periodically to ensure robustness and service improvement.