

## **LEDBURY TOWN COUNCIL**

### **DRAFT CONCERNS AND COMPLAINTS POLICY**

#### **Concerns & Complaints**

Ledbury Town Council recognises that from time to time there will be concerns expressed by members of the public over the activities of the Council or one of its Members or employees. The Council is committed to dealing effectively with any concerns or complaints you may have about our service. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we have made, we will provide any service you're entitled to which we have failed to deliver. If we got something wrong, we will apologise and where possible we will try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

#### **When to use this Policy**

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal, so rather than investigate your concern, we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not decided by us and we will then advise you about how to make your concerns known.

Also, this policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In these circumstances, you should write to the Town Clerk, Ledbury Town Council, Church Street, Ledbury, HR8 1DH.

#### **Have you asked us yet?**

If you are approaching us for a service for the first time, (i.e. Cemetery, Recreation Ground or other amenity area) then this policy does not apply. You should first give us a chance to respond to your request. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as detailed below.

#### **Informal Resolution**

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you are dealing with and they will attempt to resolve it for you there and then if there are any lessons to learn from addressing your concern then the Member or employee will draw them to the attention of the Clerk. If they can't help, they will explain why and you can then ask for a formal investigation.

### **How to express your concern or complaint formally**

You can put your concern/complaint forward in any of the following ways:-

- Ask for a copy of our complaints form from the person with whom you are already in contact, advising that you want your concern/complaint dealt with formally;
- Contact the Council offices on 01531 632306 if you wish to make your complaint over the phone;
- Download a copy of our complaints form from our website at <http://www.ledburytowncouncil.gov.uk>
- Email us at: [reception@ledburytowncouncil.gov.uk](mailto:reception@ledburytowncouncil.gov.uk)
- Write to us at: - Ledbury Town Council, Church Street, Ledbury, HR8 1DH

### **Dealing with your concern**

- We will formally acknowledge your concern/complaint within 5-working days of receipt and advise you of how we intend to deal with it;
- We will ask you to tell us how you would like to communicate with you and establish whether you have any particular requirements – i.e. do you have a disability;
- We will deal with your concern/complaint in an open and honest way;
- We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

We will, as a rule, only be able to look into your concern/complaint if you tell us about it within 6-months of it occurring.

We may, in exceptional circumstances, be able to look at concerns which are brought later than 6-months, however, you will need to demonstrate good reasons why you have not been able to bring it to the attention of the Council sooner and we will need sufficient information about the issue to enable us to consider it properly. (in any event, regardless of the circumstances, we will not consider any concerns about matters that took place more than three-years ago).

A separate Local Resolution Policy is provided in respect of the following low level complaints:

- Minor complaints from Members about Members;
- Minor complaints from Officers about Members;
- Members alleged to have not shown respect and consideration for others – either verbally or written.

### **What if there is more than one body involved?**

If your complaint involves more than one body (i.e. Hereford Council, Health Board etc.) we will usually work with them to decide who should take a lead in dealing with your concerns. You will then be given the name of the person who will be handling your complaint for future communications.



If the complaint is about a body working on behalf of the Council (i.e. contractors) you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into this and respond to you accordingly.

### **Investigation**

You will be advised of who is handling your concern/complaint. If your complaint is straightforward, we will usually ask an officer of the Council to look into it and get back to you. If it is more serious, we may use someone from elsewhere in the Council or in some cases we may appoint an independent investigator.

We will provide details of our understanding of your concern/complaint and ask you to confirm that we have the correct understanding. We will also ask you to tell us what you would like as an outcome to the concern/complaint. The person appointed to look at your complaint will usually need to see any files or correspondence we hold relevant to your complaint, if you do not want this to happen it is important that you advise us of this.

If there is a simple solution to your problem, we may ask you to consider it and advise us whether you are happy to accept the outcome. For example; where you have asked for a service and have not received it, we will offer to provide the service, rather than investigate and produce a report.

We will aim to resolve concerns as quickly as possible and expect to deal with the majority within 20-working days. However, if your complaint is more complex, we will:

- Advise you within this time why we think it may take longer to investigate;
- Advise you how long we anticipate it will take;
- Advise you of where we are, at that point, with the investigation;
- Provide you with regular updates, including advising you of whether any developments are likely to change our original estimate of completion.

The person investigating your concerns will aim, in the first instance, to establish the facts. The extent of the investigation will depend on the complexity and seriousness of the issues you have raised. In more complex cases we will draw up an investigation plan.

In some instance, we may ask you to meet with the person investigating your case, to discuss your concerns. Occasionally, if felt appropriate, we might suggest mediation or another method to try to resolve disputes.

We will look at all evidence provided, which will include files, notes of conversations, letters, e-mails and any other relevant documentation and where necessary will talk to Members and employees involved and consider our policies and legal entitlement and guidance.

## **Outcome**

If your complaint is formally investigated, we will let you know the findings via your preferred form of communication. If necessary, we will provide a longer report, which will explain how and why we came to our conclusions.

If we find we (the Council) got it wrong, we will tell you what and why it happened and show how the mistake affected you.

If we find there is a fault in our systems or method of working, we will tell you what that is and how we plan to change things to prevent it from happening again in the future.

If we got it wrong, we will apologise.

## **Putting things right**

If we do not provide a service you should have had, we will aim to provide it as soon as is practicably possible. If we did not do something well, we will aim to put it right. If you have lost out as a result of a mistake of our doing, we will try to put you back in the position you would have been in had we got it right.

If you have had to pay for a service yourself, when you should have had one from us, we will usually aim to make good what you have lost.

## **Ombudsman**

If we do not manage to resolve your concern/complaint satisfactorily you may complain to the Local Government and Social Care Ombudsman. The Ombudsman is a free service that look at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are independent of all government bodies and investigate complaints in a fair and independent way if you believe that you, or the person on whose behalf you are complaining:

- Have been unfairly treated or received a bad service through some failures on the part of the body providing it;
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman can be contacted by:

Tel: 0300 061 0614

Website: <https://www.lgo.org.uk/>

## **Learning Lessons**

We take our concerns and complaints seriously and try to learn from our mistakes. A summary of all complaints will be provided to the Council's Resources Committee twice a year along with the responses provided to each complaint.



Where there is a need to change, we will develop an action plan setting out what we will do, who will do it and when it will be completed by. We will advise you of when changes promised to you have been made.

### **What if I need help?**

Our staff will aim to help you make your concerns known to us. If you need assistance, we will make every effort to put you in touch with someone who can help. You may wish to contact Citizens Advice Bureau, Age Concern, Shelter, etc. who may be able to assist you.

### **What we expect from you**

In times of trouble or distress, some people may act out of character, there may have been upsetting or distressing circumstances leading up to a concern or complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complaints have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.

**Copies of this policy and the complaints form are available in large print at request.**

Date adopted by Council:  
Review Date:

**LEDBURY TOWN COUNCIL**

**CONCERN/COMPLAINT FORM**

**Your Details**

<b>Surname</b>	<b>Forename(s)</b>	<b>Title</b>
<b>Address</b>		
<b>Tel:</b>		
<b>Mobile No.</b>		
<b>Email Address</b>		

Please state your preferred method of contact for all future correspondence'

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**Your Requirements** - If our usual way of dealing with complaints makes it difficult for you to use our service please advise us so that we can discuss how we might help you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

Making a complaint on behalf of some else? Please provide their details

<b>Surname</b>	<b>Forename(s)</b>	<b>Title</b>
<b>Address</b>		
<b>What is your relationship to them?</b>		
<b>Why are you making a complaint on their behalf?</b>		

## **The Complaint**

**Name of department/service you are complaining about**

**What do you think they did wrong, or failed to do?**

**How have you personally suffered or been affected?**

**When did you first become aware of the problem?**

**Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when.**

**If it is more than 6-months since you first became aware of the problem, please give reasons why you have not complained before now.**

**What do you think should be done to put things right?**

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**(please continue on a separate sheet(s) if necessary)**

**If you have any documents to support your concern/complaint, please attach them with this form.**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please send you form to:

Town Clerk  
Ledbury Town Council  
Church Street  
Ledbury  
HR8 1DH



## LEDBURY TOWN COUNCIL

### LOCAL RESOLUTION POLICY & PROCEDURE

Currently there is no common process for Parish Councils to follow in dealing with minor complaints against Members other than referring the complaints to the Monitoring Officer of the Local Government and Social Care Ombudsman. Often when receiving minor complaints, the Monitoring Officer or Ombudsman will return them to the Parish Council to deal with, due to the complaint being considered too minor for the consideration of the Ombudsman.

With this in mind, in an attempt to resolve minor complaints against Members Ledbury Town Council has adopted the following Local Resolution Policy & Procedure.

#### Policy

It is the Town Council's policy to locally resolve low level complaints about Members including:-

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Complaints which will not be considered under this policy, but will be directed to the Local Government and Social Care Ombudsman are:-

- Complaint instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct, failure to disclose interests, bullying, abuse of position of trust or repeated breaches
- Complaints made by the Clerk
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal policies
- Repetitive low level complaints

#### Procedure

For the purpose of clarification, the Town Clerk is accountable to the Council as a whole but on a day to day basis the Mayor (Chairman of the Council) will act as their line manager.

## **THE PROCESS**

### **The Complaint**

The complaint would need to be sent to the Town Clerk, as the Proper Officer of the Council to undertake a first review to ensure that the complaint is at a low level and could be dealt with in-house rather than by way of the Local Government & Social Care Ombudsman. If appropriate, the Town Clerk should seek an early resolution of such dispute by liaising informally with the individual Members concerned prior to the resolution process as outlined below. It is essential that the "accused" Member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

### **Resolution Process**

The involvement of the Mayor/Deputy Mayor in the following process is not to adjudicate on the complaint, but to attempt to get the Members/Officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Town Clerk will act as facilitator for the resolution below.

If the complaint is between Members other than the Mayor, the Clerk and the Mayor will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Mayor, but not the Deputy Mayor, the Town Clerk and Deputy Mayor will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an Officer/Employee, but not the Clerk, against a Member other than the Mayor, the Clerk and the Mayor will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an Officer/Employee, but not the Clerk against the Mayor, the Town Clerk and Deputy Mayor will meet with the officer and the Mayor to seek an agreed resolution.

If the complaint has been made by the Town Clerk, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Local Government and Social Care Ombudsman.

### **Possible results of the process**

If an agreement is reached by Members and/or officers during this stage, then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Local Government and Social Care Ombudsman.

Examples of agreements might include the issuing of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

### **Time for the process**

It is the intention that all the processes can be completed as quickly as possible to resolve the issue. However, exact timing will depend on the availability of individuals to attend meetings.

### **Recording of meetings**

Any meetings held with a view to discussing the issues of complaints and/or resolving matters will be minuted and recorded. This is to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the Local Government and Social Care Ombudsman. It may also be useful as evidence in the event of a further similar breaches of the conduct and future conduct.

### **Breaches of Code of Conduct**

The Town Council must be clear on its powers in respect of the Code of Conduct matters. Investigations of possible breaches of the Code are matters for the Local Government and Social Care Ombudsman. The Local Government Act 2000 gives them the authority to carry out such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee.

Adopted by Council  
Review Date



