



ST IVES TOWN COUNCIL

CUSTOMER COMPLAINTS PROCEDURE

April 2022

Policy / File Status

Version	0.2	Approving Body	Full Council
Date	24.03.2022	Date of Approval	14.04.22
Responsible Officer	Town Clerk	Minute Reference	
Oversight Committee	Finance & General Purposes	Review Date	May 2023

Version History

Date	Version	Author/Editor	Comments
Oct 2009	0.1 Draft	Town Clerk / NALC	Based on the 'NALC model complaints procedure: Legal Topic Note LTN 9 – November 2008 Model document
Mar 2022	0.2 Draft	Finance and General Purposes Committee	Fully revised document and takes into account amendments in the NALC legal topic note LTN 9 in 2018.
April 2022	0.2	Full Council	Recommended policy adopted

Review Record

Date	Type of Review Conducted	Summary of Actions Taken or Decisions Made	Completed By

1.0 Introduction

1.1 St Ives Town Council aspires to deliver excellent customer service to members of the public, external organisations and its partners. However, it acknowledges that in some cases, you may not be satisfied with how the Council's services are delivered, and you have the right to complain.

1.2 We aim to resolve your concerns and queries as effectively as possible and in many cases, this can be achieved by an early response and an informal dialogue. But it may not be possible to address your concerns and queries in this way and you may decide that you wish to submit a formal complaint.

2.0 When this procedure can and can't be used

2.1 This procedure sets out how the Council will deal with a formal complaint. The process is specifically about the Council's administration, policies or procedures. It cannot be used to complain about an individual employee of the Council. This is more appropriately dealt with, as an employment matter and in accordance with the Council's Disciplinary Procedure. If you contact us, you will be advised how this can be considered.

2.2 Neither does this procedure deal with internal complaints between employees and colleagues – these must be processed in accordance with the Council's Grievance Procedure.

2.3 Town Councillors are regulated by a Code of Conduct. The code covers complaints about how members of the Town Council behave when they are in public. There is a single code of conduct for Cornwall which applies to Cornwall Councillors and Town and Parish Councillors. A monitoring officer at Cornwall Council deals with Councillor complaints. Any such complaints should be referred directly to:

The Monitoring Officer
Legal Services Cornwall
Council
New County Hall
Treyew Road TRURO
TR1 3AY

2.4 An online complaint submission form for issues relating to councillor conduct is available at www.cornwall.gov.uk

2.5 For formal complaints about St Ives Town Council, an online complaint form can also be downloaded from our website at www.stivestowncouncil-cornwall.gov.uk

3.0 What you can expect when you complain

3.1 St Ives Town Council will:

- Acknowledge your complaint within 10 working days, confirming how and by whom it will be dealt with. This may also include an estimate for the time it will take to resolve it, based on how complex it is
- Record the complaint and ensure that it is investigated promptly
- Aim as far as possible to resolve the problem through informal means. This might involve a discussion, a meeting with officers, your local councillor or a full written explanation.
- Assign you a dedicated contact officer who can be contacted about the complaint whilst the process is underway.

4.0 How You Complain

4.1 All complaints must be in writing (letter or email) using the Council's complaints form. Please provide as much detail as possible on the nature of the complaint, in order for the Council to determine the best way to resolve it.

St Ives Town Council
The Guildhall
Street an Pol
St Ives
Cornwall
TR26 2DS

Email: Louise.Dwelly@StIves-tc.gov.uk

4.2 Complaints received via email/letter without using the Complaints Form (which will be sent to such emails/letters received), will be treated as feedback and will not be considered under this procedure.

4.3 If a complaint about the procedures, administration or the actions of the Town Council (or any of the Council's employees) is notified informally to a Councillor or the Town Clerk, then the complainant will be asked to put the complaint in writing.

4.4 Acknowledgement of receipt of the complaint will be provided within 10 working days (in normal circumstances). The Council aims to provide a full response to your complaint within 28 working days. However, this may not be possible, if, for example it needs to be fully investigated with third parties or heard by a complaints panel. If it is not possible, you will be provided with a full update within 28 days including an anticipated completion date

- 4.5 If you prefer not to address the complaint to the Town Clerk (because the matter relates to the Clerk or another senior officer, for example), you will be advised to address it to the Chairman of the Staffing Committee. Contact details will change from time to time but can be found on the Council's website. You can also ask for their details at reception.
- 4.6 If the complaint is in relation to the conduct of a Councillor(s), then as set out above, you will be referred to the Cornwall Council Monitoring Officer.
- 4.7 The Council do not accept or process anonymous complaints.
- 4.8 Sometimes the Council receives vexatious complaints or has to deal with angry or aggressive customers. In these cases, the Council has specific policies for considering and managing these. Any complaint which the Council believes could constitute a vexatious complaint (or if the complainant is someone already subject to the vexatious complaints policy), it will be dealt with following that process. You will be advised if this is the decision of the Council.

5.0 Resolving the Complaint

- 5.1 The Council's aim is to resolve any complaint, at the earliest opportunity and to provide a full written response. The Town Clerk will carry out a detailed investigation of the issues. In some cases, this might involve appointing an officer, not linked to the service area or issue, to investigate the complaint and provide the Town Clerk with a report on the facts and any recommendations.
- 5.2 Where your complaint is successfully dealt with by Senior Managers and you are happy with the outcome, the Town Clerk will report this to the next meeting of the Finance and General Purposes Committee (or in some cases, to an alternative committee depending on the nature of the complaint). This will be done in the confidential part of the agenda, fully in accordance with freedom of information and privacy regulations,
- 5.3 The Council recognises, however, that a complainant may not always be happy with this outcome. This procedure, therefore, enables a complainant who remains dissatisfied, to address their complaint to the Council's elected Members through a complaints panel, which will be a formal appeal process.

6.0 Dealing with the Complaint (Formal Process)

- 6.1 Where it is not possible for the Town Clerk or other Senior Manager appointed to resolve your complaint, then it will be necessary for Councillors to consider the matter.
- 6.2 In these circumstances, the usual practice is for the Chairman and two other members of the Finance & General Purpose Committee, to form a panel to hear

your complaint. This applies where the complaint is not directly related to a policy, decision or action of that Committee. Where the matter *is* directly related to the Finance & General Purposes Committee (or a majority of members of the Committee), the Chairman will request that the Town Clerk convene a panel of three councillors from the wider Council, with no previous involvement in the matter. Typically, this will comprise of Chairmen or Vice-Chairmen of one of the Council's other standing Committees.

6.3 The request for a formal complaint to be heard, will be acknowledged in writing. As complainant, you will be advised that the Council has agreed to your request (and if not, reasons will be given). You will be provided with details of the timing of the panel meeting and the name of the Councillors who will be part of the panel. You will be able to attend and bring a friend to represent or support you.

6.4 We will give you at least two weeks' notice of the panel meeting. When the meeting is confirmed in writing, we will also give you the opportunity to provide any written evidence that you wish to present to the meeting. This must be sent at least 7 days before the meeting. This deadline will also be set out in the confirmation letter.

6.5 As general policy, all complaint hearings exclude the press and members of the public. However, you should be aware that the outcome of specific complaints is reported to the next meeting of the Council or Finance & General Purposes Committee, as appropriate.

6.6 You will also be given the opportunity to attend the panel virtually (via Teams or Zoom link), should this be more convenient.

6.7 The panel will review the detail of your complaint. It reserves the right to reject complaints which in its opinion are ambiguous, unsubstantiated or vexatious in nature. Such a decision will be recorded and a further or future complaint on the same or similar matter, may be considered under the Council's vexatious complaints policy.

7.0 What Happens at the Panel Meeting

7.1 The Chairman will introduce everyone and explain the procedure. They will confirm if and why the meeting will exclude members of the press and public.

7.2 The complainant (or representative) may outline the grounds for complaint, following which, questions may be asked by (i) the Clerk or other nominated officer and then (ii) Councillors.

7.3 *It may be that the Clerk (or other nominated officer) at the meeting represents the position of the Council. If they put forward justification for the action or procedure complained of, he or she should not advise the Council or committee, as they need to determine the matter themselves.*

- 7.4 The Clerk (or other nominated officer) will have an opportunity to explain the Council's position and questions may be asked by (i) you as complainant and (ii) Councillors.
- 7.5 The Clerk or other nominated officer and then you, the complainant should be offered the opportunity to summarise your position.
- 7.6 The Clerk or other nominated officer and you as the complainant should be asked to leave the room while the panel 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.
- 7.7 The Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision. However, if the decision is unlikely to be finalised on that day, you will be advised when the decision is likely to be made and when it is likely to be communicated to them.
- 7.8 The approach and the order of business can be varied by agreement between the Panel and the Complainant.

8.0 Reporting the Outcome

- 8.1 Following conclusion of the meeting, you will receive the written decision of the Panel within 5 working days. The decision will also explain the panel's conclusions and any further actions which the Council will take as a result of the decision. The decision of the panel is final with no further right of appeal.
- 8.2 If the Panel require further advice before reaching a final decision, it may defer a final decision. It will obtain the necessary advice as quickly as possible. You will be advised of the likely timescales.
- 8.3 The Council will be advised of the outcome of all complaints. The Clerk will determine if this should be through a report to the Finance and General Purposes Committee, Council or via email communication with all Councillors, whichever is most appropriate.

9.0 Review

- 9.1 The Council's standing orders require that it reviews its complaints procedure annually at Annual Council. It may also be reviewed from time to time in response to changes in guidance or legislation.

Complaint Form

Contact Details	
Title:	
First Name:	
Surname:	
Address:	
Postcode:	
Telephone Number:	
Mobile Number:	
Email Address:	
Date Completed:	

Please tell us about your complaint	
<p>Please give details of the complaint: (continue on a separate sheet if necessary)</p>	
<p>What would you like us to do to put this right:</p>	
<p>Have you formally complained about this matter before: (if so what was the outcome)</p>	
<p>If you have complained before, when was this:</p>	
<p>Signature:</p>	
<p>Date Signed:</p>	

Date Received:	
Who is dealing:	
Unique Reference:	
Action Log:	